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**A COMPARATIVE STUDY OF THE DEMOCRATIZATION PROCESS
IN KENYA, MALAWI AND ZAMBIA
DURING THE 1990s**

A Thesis Presented

by

TILO E. STOLZ

Submitted to the Graduate School of the
University of Massachusetts Amherst in partial fulfillment
of the requirements for the degree of

MASTER OF ARTS

September 2002

Political Science

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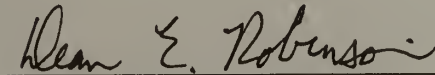
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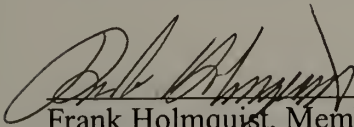
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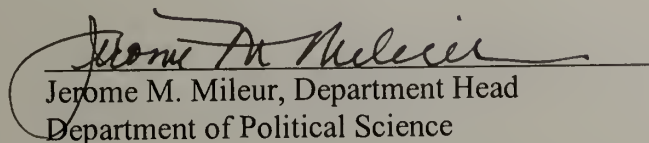
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DEDICATION

To my parents
Alfred and Renate Stolz
and my grandmother
Elsa Weber

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LIST OF ABBREVIATIONS

AFORD	Alliance for Democracy
ANC	Northern Rhodesia African National Congress
AZ	Agenda for Zambia
CAF	Central African Federation
CCAP	Church of Central Africa Presbyterian
CCBI	Council of Churches for Britain and Ireland
CCC	Committee for a Clean Campaign
CCCC	Citizens Coalition for Constitutional Change
CCM	Christian Council of Malawi
CCZ	Christian Council of Zambia
CJPC	Catholic Justice and Peace Commission
CKRC	Constitution of Kenya Review Commission
CNU	Caucus for National Unity
COTU	Central Organization of Trade Unions
CPK	Anglican Church of the Province of Kenya
CSR	Congress for a Second Republic of Malawi
DCF	District Consultative Forum
DP	Democratic Party
EC	European Community
ECZ	Electoral Commission of Zambia
EU	European Union

FDD	Forum for Democracy and Development
FODEP	Forum for a Democratic Process
FORD	Forum for the Restoration of Democracy
FRN	Federation of Rhodesia and Nyasaland
GEMA	Gikuyu Embu Meru Association
GSU	General Service Unit
HP	Heritage Party
ICDA	Interim Committee for a Democratic Alliance
ICJ	International Commission of Jurists
IED	Institute of Education for Democracy
IMF	International Monetary Fund
IPK	Islamic Party of Kenya
IPPG	Inter-Parties Parliamentary Group
KADU	Kenya African Democratic Union
KANU	Kenya African National Union
KBC	Kenya Broadcasting Cooperation
KENDA	Kenya National democratic Alliance
KNC	Kenya National Congress
KPU	Kenya People's Union
KSC	Kenya Socialist Congress
LAZ	Law Association of Zambia
LESOMA	Socialist League of Malawi
LPD	Labour Party Democracy

LPF	Liberal Progressive Front
LSK	Law Society of Kenya
MAFREMO	Malawi Freedom Movement
MBC	Malawi Broadcasting Cooperation
MCB	Malawi Censorship Board
MCP	Malawi Congress Party
MDP	Malawi Democratic Party
MDP	Movement for Democratic Progress
MDU	Malawi Democratic Union
MMD	Movement for Multiparty Democracy
MUZ	Mineworker's Union of Zambia
MYP	Malawi Young Pioneers
NAC	Nyasaland African Congress
NADA	National Democratic Alliance
NCA	National Constitutional Assembly
NCC	National Consultative Council
NCCF	National Constitutional Consultative Forum
NCCK	National Council of Churches in Kenya
NCEC	National Convention Executive Council
NCPC	National Convention Planning Committee
NDA	National Democratic Alliance
NDP	National Development Party
NEC	National Executive Committee

NLP	National Lima Party
NP	National Party
NPD	National Party for Democracy
OAU	Organization of African Unity
PAC	Public Affairs Committee
PCEA	Presbyterian Church of East Africa
PF	Patriotic Party
PICK	Party of Independent Candidates of Kenya
PSC	Parliamentary Select Committee
RCMT	Religious Community Mediation Ream
SATUCC	Southern Africa Trade Union Coordination Council
SAPs	Structural Adjustment Programs
SDP	The Social Democratic Party
UDF	United Democratic Front
UFMD	United Front for Multiparty Democracy
UN	United Nations
UNESCO	United Nations Educational Scientific and Cultural Organization
UNDP	United Nations Development Programme
UNIP	United National Independence Party
UP	United Party
UPND	United Party for National Development
UPP	United Progressive Party
WARC	World Alliance of Reformed Churches

ZAP	Zambia Alliance for Progress
ZCTU	Zambia Congress of Trade Unions
ZEC	Zambia Episcopal Conference
ZEMCC	Zambia Election Monitoring Coordination Committee
ZIMA	Zambia Independent Media Association
ZIMT	Zambia Independent Monitoring Team
ZNBC	Zambian National Broadcasting Company
ZNUT	Zambian National Union of Teachers
ZRP	Zambia Republican Party

CHAPTER 1

INTRODUCTION

“The struggle for Democracy in Africa will doubtless take many forms and directions”.¹

During the 1990s many countries of Sub-Saharan Africa have undergone significant political changes. These changes can be broadly characterized as transitions from authoritarian towards more democratic and pluralistic political systems. The main focus of this thesis is to shed light on some of the many forms and directions these transitions have taken by undertaking a comparative study of the democratization process in Kenya, Malawi and Zambia during the 1990s.

As a result of various internal and external pressures many authoritarian African regimes embarked on a democratization process in the early 1990s. The internal pressure for democratization was spearheaded mainly by different elements of civil society such as trade unions, clerics, students, businessmen and professional associations. A decisive factor beyond the internal pressure for political liberalization and democratization were the economic difficulties many countries of Sub-Saharan Africa experienced during the 1980s. While these economic difficulties varied from country to country in their severity and were caused by various factors, the Structural Adjustment Programs (SAPs) that were imposed by the World Bank and the International Monetary Fund (IMF) since the early 1980s were one of the factors that contributed to the economic difficulties many African countries faced during the 1980s.

¹ Quoted in Shaw 1993: p. 103.

To comply with SAPs African governments had to sharply devalue their currencies, reduce public sector spending, impose fees on a range of public services, remove price controls on basic commodities, and liquidate unproductive state enterprises. The implementation of these measures in exchange for new loans made it increasingly difficult for many of Africa's authoritarian regimes to maintain their extensive patronage networks and made the monopolization of economic benefits by a shrinking political class around the president more and more obvious. Furthermore, the social costs of SAPs delegitimized many African "governments in the eyes of their people and fueled the spreading of political discontent".² In short, SAPs contributed to an erosion of popular support for many of Africa's authoritarian regimes during the 1980s. The end of the Cold War in 1989 decreased the willingness of western donors to support Africa's authoritarian governments for strategic reasons and they started to demand political reforms (i.e. respect for human rights, political pluralism and multiparty democracy) if the recipients wanted to continue to receive developmental assistance. In a nutshell, these were some of the developments that brought about the political changes that will be analyzed in this study in some detail by comparing the democratization process in Kenya, Malawi and Zambia during the 1990s.³

The methodology that will be applied to study the democratization process in Kenya, Malawi and Zambia is the comparative method. In order to apply this method at least two cases and two variables are necessary. In contrast to the statistical method,

² Lancaster 1993: p. 40.

³ See Lancaster 1993: pp. 39-43; Clapham 1993: pp. 430-433; Wiseman 1993: pp. 441-443; Nwokedi 1995: pp. 38-55; and Joseph 1997: pp. 368-372.

which tries to quantify⁴ how different variables covary or correlate across many cases, the comparative method tries to identify or qualify which independent variables (causal variables) account for the variation in the dependent variable (outcome variable) without trying to quantify how strong the relationship between these variables is. Therefore the nature of the comparative method is qualitative and not quantitative. In other words the focus of the comparative method is to discover empirical relationships among variables without trying to quantify them. In studies such as this, where the number of cases is small and the number of variables fairly large, the comparative method is the best methodological approach to identify which independent variables explain the variation in the dependent variable. The statistical method is better suited for studies where the number of cases is large and the number of variables is fairly small.⁵

The dependent variable of this study is the trajectory of the democratization process in Kenya, Malawi and Zambia during the 1990s. For analytical purposes the democratization process will be broken down into three phases, namely, political liberalization, democratic transition / democratization and democratic consolidation.⁶ Regarding the dependent variable there is some variation between the three countries. In short, as a result of the 1991 elections in Zambia President Kenneth Kaunda was replaced by the presidential candidate of the Movement for Multiparty Democracy (MMD), Frederick Chiluba. Several opposition parties boycotted the 1996 elections in Zambia, while the 2001 elections were again hotly contested among various political parties. After two thirds of Malawi's voters had favored the introduction of the

⁴ This is done by calculating a correlation coefficient such as Pearson's *r*.

⁵ See Lijphart 1971: pp. 682-685; Ragin 1987: pp. 12-18; Beyme 1988: pp. 50-68; Aarebrot / Bakka 1992: pp. 51-59; Nohlen 1994: pp. 507-517; and Ragin 1994: pp. 105-153.

multiparty system in the 1993 referendum, the presidential candidate of the United Democratic Front (UDF), Bakili Muluzi, defeated the incumbent President Hastings Banda in the 1994 elections. President Muluzi narrowly won the 1999 elections. In Kenya President Daniel arap Moi managed to win the 1992 and the 1997 elections against a divided opposition. The main goal of this thesis is it to identify which independent variables can be used to explain the different trajectories the democratization process has taken in Kenya, Malawi and Zambia during the 1990s. Among the independent variables to be considered are the type of the *ancien régime*, the structure of civil society, the formation of political parties, the elections and the role of donors.

The comparative method can be best applied to identify which independent variables account for the variation in the dependent variable in cases that are comparable. According the Arend Lijphart comparable cases are “cases that are similar in a large number of important characteristics, but dissimilar with regard to the variables between which a relationship is hypothesized”.⁷ Kenya, Malawi and Zambia were selected for this comparative study, since they can be considered as comparable cases. Before the democratization process got under way in the early 1990s Kenya, Malawi and Zambia had quite a few things in common. All three countries were under British colonial rule prior to independence. In all three countries Britain tried to establish a political system that resembled the British system to a certain degree before independence. Soon after they had gained their political independence they changed

⁶ The meaning of these terms will be delineated in chapter 3.

⁷ Lijphart 1988: p. 55.

their constitutions and replaced the parliamentary systems introduced by Britain with presidential systems and the multiparty systems with *de facto* or *de jure* one-party systems.⁸ Between independence and the beginning of the democratization process in the early 1990s all three countries conducted parliamentary elections in fairly regular intervals and in most of them voters could choose between more than one candidate of the ruling party.⁹ The democratization process was preceded by fairly stable authoritarian and neopatrimonial¹⁰ regimes in all three countries. In Zambia President Kaunda ruled the country from independence in 1964 until 1991. In Malawi President Banda ruled the country from independence in 1964 until 1994. Kenya was ruled by President Kenyatta from independence in 1963 until his death in 1978 when his Vice-President, Daniel arap Moi, became his constitutional successor and has ruled the country since then. Finally, Kenya, Malawi and Zambia have been fairly free of military interference in the political process and were continuously under civilian rule. Only Kenya experienced an unsuccessful coup d'état in 1982. Thus, Kenya, Malawi and Zambia have many characteristics in common, especially with regard to the period from their independence until they embarked on democratization processes that took different trajectories. This means that the characteristics they have in common can be treated as

⁸ Malawi became a *de jure* one-party system in 1966, Zambia in 1972 and Kenya in 1982.

⁹ See Hartmann, Dirk 1999: p. 482; Meinhardt 1999: p. 553; and Krennerich 1999: p. 945.

¹⁰ Bratton and van de Walle discern three informal political institutions that characterize neopatrimonial rule in Africa. First, *presidentialism* which “implies the systematic concentration of political power in the hands of one individual, who resists delegating all but the most trivial decision-making tasks” (Bratton / van de Walle 1997: p. 63). Second, *systematic clientelism* which means that the president relied on the reward of personal favors as a means of strengthening his grip on power. Usually, these favors took the form of public sector jobs within the state and the distribution of public resources through projects, contracts, and licenses within society. In return for these favors, clients mobilized political support and showed their loyalty to the president. Third, the *use of state resources* for political legitimation is a *sine qua none* for establishing and maintaining extensive clientelist networks throughout a country. (See Bratton / van de Walle 1997: pp. 61-68).

background variables, which should not play a significant role in explaining the variation in the dependent variable. This approach, which Arend Lijphart calls the comparable-cases strategy, should allow one to identify more easily which independent variables influenced the trajectory of the democratization process in Kenya, Malawi and Zambia during the 1990s as against a study of countries where the colonial and postcolonial history differs significantly from country to country.¹¹

This thesis will be structured as follows. Chapters two and three will provide the theoretical framework for the study of the democratization process in Kenya, Malawi and Zambia. In chapter two different concepts of democracy will be introduced and the question raised as to whether particular African concepts can be distinguished from universal concepts. In chapter three the terms “political liberalization”, “democratic transition / democratization” and “democratic consolidation” will be introduced and their meaning in the context of this study will be delineated. Chapters four, five and six are the empirical core of this study. In them the democratization process in Kenya, Malawi and Zambia will be analyzed. Each of these three chapters will be structured along the same lines. First, the historical context for each country is introduced. Then an analysis of how political liberalization came about will follow and the main actors behind it will be identified. Subsequently, the formation of political parties, the multiparty elections and other major political developments such as constitutional reform efforts will be examined. Based upon this review, the prospects for democratic consolidation in each country will be assessed. Using the empirical findings of chapters four, five and six, chapter seven will lay the groundwork for identifying which

¹¹ See Lijphart 1988: pp. 54-60.

independent variables may explain the different trajectories the democratization process has taken in Kenya, Malawi and Zambia during the 1990s. In the concluding remarks the author will summarize the main findings and suggest various measures that might increase the prospects for democratic consolidation in Kenya, Malawi and Zambia.

CHAPTER 2

CONCEPTUALIZATION OF DEMOCRACY

Many scholars tried to conceptualize or define the term “democracy” over the past few hundred years. To provide a comprehensive overview of the many different conceptualizations that emerged as a result of this effort is beyond the scope of this study. Rather than providing a comprehensive overview, this chapter tries to outline two different conceptualizations of democracy that can be found in the literature about democracy. One is a procedural or minimalist conceptualization and the other one is a substantive or maximalist conceptualization of democracy.¹² Finally, the question whether there is a particular African conceptualization of democracy will be addressed.

Based upon the writings of Joseph Schumpeter and Robert Dahl Larry Diamond, Juan J. Linz and Seymour Martin Lipset came up with the following procedural or minimalist conceptualization of democracy:

“Democracy [...] denotes a system of government that meets three essential conditions: meaningful and extensive *competition* among individuals and organized groups (especially political parties) for all effective positions of government power, at regular intervals and excluding the use of force; a highly inclusive level of *political participation* in the selection of leaders and policies, at least through regular and fair elections, such that no major (adult) social group is excluded; and a level of *civil and political liberties* – freedom of expression, freedom of the press, freedom to form and join organizations – sufficient to ensure the integrity of political competition and participation”.¹³

¹² See Shin 1994: p. 142.

¹³ Diamond / Linz / Lipset 1988: p. xvi.

In addition to the above conceptualization some proponents of a procedural or minimalist conceptualization of democracy also include an independent judiciary and civilian control over the military. Furthermore Philippe C. Schmitter and Terry Lynn Karl stressed that elected officials must be able to exercise their powers without the possibility that their decisions are overridden or reversed by unelected officials and that the polity must be self-governing meaning national policy decisions do not require approval by extraterritorial actors such as the World Bank or the IMF.¹⁴ Proponents of a procedural or minimalist conceptualization of democracy are of the opinion that their conceptualization of democracy is universal in its scope and that democracy cannot exist if the conditions contained in it are not at least met to a certain degree. Put differently, a political system can only be considered democratic when certain procedural¹⁵ and institutional requirements¹⁶ are met. In this context it is important to keep in mind that there can be quite some variation with regard to the degree to which these requirements are met. For instance, while a country's constitution contains the necessary provisions to guarantee in principle that its political system is democratic, the implementation of these constitutional provisions can vary considerably from country to country. To take this into account some political scientists differentiate between

¹⁴ See Schmitter / Karl 1991: pp. 81-82.

¹⁵ The main procedural requirements are competition and inclusive participation.

¹⁶ Robert Dahl delineates the following institutional requirements: (i) elected officials who control governmental policy decisions (accountability); (ii) relatively frequent free and fair elections to select and peacefully remove elected officials (coercion is comparatively uncommon); (iii) the right to vote for practically all adults; (iv) the right to run for public office for most adults; (v) an effectively enforced right to freedom of expression for all citizens; (vi) free access to sources of information that are different from that of the government (Moreover, such alternative sources of information exist and are protected by law.); and (vii) the effectively enforced right to found and to become members of political interest groups and political parties (see Dahl 1989: p. 233; see also Schmitter / Karl 1991: p. 81).

normative (what should be) and empirical (what is) concepts of democracy.

Furthermore, in the literature about democracy one finds all sorts of adjectives such as limited, oligarchical, controlled, restrictive, electoral, illiberal, liberal, guarded and protected, to name just a few, that precede the word “democracy” and that all describe political systems in which the procedural and institutional requirements outlined above are met to varying degrees.¹⁷

During the last two decades the procedural or minimalist conceptualization of democracy has been broadened. While Juan Linz’s conceptualization of democracy emphasizes the holding of free and competitive elections at regular intervals, other scholars such as Terry Karl criticized Linz’s conceptualization as too minimalist and called it the “fallacy of electoralism”.¹⁸ They argued that privileging electoral over other dimensions of democracy ignores “the degree to which multiparty elections, even if competitive and uncertain in their outcome, may exclude significant sections of the population from the effective capacity to contest for power or advance and defend their interests, and/or may leave significant arenas of decision-making power beyond the reach or control of elected officials”.¹⁹ Karl and Schmitter pointed out that while elections are a necessary condition for a political system to be called democratic they alone are not sufficient to justify classifying a political system as a democracy.

Elections “occur intermittently and only allow citizens to choose between the highly

¹⁷ For a good overview of the different subtypes of more or less democratic political systems see Collier / Levitsky 1997: pp. 433-451; and Pinkney 1994: pp. 5-17. See also Monshipouri 1995: pp. 15-17; Harbeson 1998: pp. 39-42; and Reynolds 1999: pp. 20-22.

¹⁸ See Shain 1995: p. 46.

¹⁹ Diamond 1997: p. 8.

aggregated alternatives offered by political parties”.²⁰ In response to the criticism of Linz’s minimalist or procedural conceptualization of democracy as too minimalist Larry Diamond developed a very useful typology that differentiates between electoral democracy, liberal democracy and pseudodemocracy. According to Diamond an electoral democracy is defined as “a civilian, constitutional system in which the legislative and chief executive offices are filled through regular, competitive, multiparty elections”.²¹ Diamond’s conceptualization of a liberal democracy goes beyond that of an electoral democracy. In addition to universal suffrage and intermittent, free, and fair elections, liberal democracy requires according to Diamond’s conceptualization “the absence of ‘reserved domains’ of power for the military or other social and political forces that are not accountable to the electorate, directly or indirectly”.²² Furthermore, “in addition to the ‘vertical’ accountability of rulers to the ruled (which is secured most reliably through regular, free and fair elections), it requires ‘horizontal’ accountability of office-holders to one another; this constrains executive power and also helps protect constitutionalism, the rule of law, and the deliberative process”.²³ Finally, liberal democracy according to Diamond “encompasses extensive provisions for political and civic pluralism, as well as for individual and group freedoms, so that contending interests and values may be expressed and compete through various ongoing processes of articulation and representation, beyond periodic

²⁰ Schmitter / Karl 1991: p. 78.

²¹ Diamond 1997: p. 10.

²² Diamond 1997: p. 11.

²³ Diamond 1997: p. 11.

elections”.²⁴ According to Diamond a pseudodemocracy is situated between an electoral democracy and a purely authoritarian regime. Multiparty elections also take place in pseudodemocracies in regular intervals, however, in contrast to an electoral democracy a pseudodemocracy lacks “a sufficiently fair arena of contestation so that the ruling party may be turned out of power”.²⁵ In contrast to purely authoritarian regimes, pseudodemocracies “tolerate the existence of genuine (not merely artificial, state-controlled) opposition parties”.²⁶

In the words of Mahatma Gandhi the essence of a substantive or maximalist conceptualization of democracy is that “under it the weakest should have the same opportunity as the strongest”.²⁷ To achieve this ideal substantive or maximalist conceptualizations of democracy incorporate social and economic desiderata and embrace economic equality and social justice.²⁸ Substantive or maximalist conceptualizations of democracy do not restrict democracy to the political sphere and are often referred to as social democracy in the literature. Democracy is considered as a means to increase equality in social and economic outcomes. To achieve that, a social democratic political system aims at regulating the market mechanism in such a way so as to reduce its adverse impact on equality. Social democracies attempt to reduce

²⁴ Diamond 1997: p. 11. See also Diamond 1997: p. 12 for a detailed description of the nine different components of liberal democracy according to Diamond.

²⁵ Diamond 1997: p. 17.

²⁶ Diamond 1997: p. 17. See also Diamond 1999: pp. 7-17.

²⁷ Quoted after Arat 1991: p. 15.

²⁸ See Shin 1994: p. 142; and Diamond 1997: p. 5.

inequalities in society through the provision of basic social services such as health care and education for all citizens either free of charge or at a relatively low cost.²⁹

When addressing the question of whether any particular African conceptualization of democracy exists, many scholars turn to studies of precolonial Africa. While a great variety of political systems such as highly centralized states and *amorphous* non-centralized communities existed in precolonial Africa, Kwasi Wiredu pointed out that many, possibly all, “traditional African societies were communalistic”.³⁰ In a communalistic society extended kinship linkages play an important role in structuring societal relations and individual interests are to be adjusted to those of society and not vice versa. Wiredu further pointed out that consensus is the dominant mode of group decision-making in communalistic societies. Deliberation aimed at reaching a compromise is an important element of a consensual decision-making system. In such a system for instance the members of a village council would sit under a large tree and talk as long as necessary to reach a consensus. Based on these precolonial political traditions of African societies Wiredu proposes that African intellectuals should get together “to explore the history, rationale, conceptual basis, and constitutional framework for a nonparty system of politics based on consensus”.³¹ He points out that there is a fundamental difference between a nonparty system and a one-party system. The “former embraces the freedom of political association while the latter

²⁹ See Mengisteab 1996: pp. 110-112; Sklar 1996: pp. 39-40; Huber / Rueschemeyer / Stephens 1997: pp. 323-324; and Mengisteab 1999: pp. 31-32.

³⁰ Wiredu 2001: p. 171.

³¹ Wiredu 2001: p. 182.

execrates it".³² In Wiredu's African conceptualization of democracy political associations play an important role as a forum of discourse and as vehicles of political education and representation. Furthermore, they mediate between civil society and the state. Finally, Wiredu points out that political associations motivated by ideological or specific policy considerations could play an important role in reducing the saliency of ethnicity in African politics.³³

Based on the existence of consensual decision-making systems in precolonial African societies Maxwell Owusu argued that the consensus model of democracy³⁴ is better suited as the *modus operandi* for democracy in Africa than the majoritarian model of democracy.³⁵ Claude Ake pointed out that the kind of democracy that is suitable for Africa would have the following four characteristics. First, the people would have real decision-making power. This would be ensured through a powerful legislation, decentralization, and "the development of institutions for the aggregation and articulation of interests".³⁶ Second, it would invest heavily in the improvement of people's health and education to enable the people to participate effectively in the political process. Third, it would emphasize individual and collective rights equally.

³² Wiredu 2001: p. 183.

³³ See Wiredu 2001: pp. 171-184.

³⁴ According to Arend Lijphart the consensus model of democracy aims at "restraining majority rule by requiring or encouraging: the *sharing of power* between the majority and the minority (grand coalitions), the *dispersal of power* (among executive and legislature, two legislative chambers, and several minority parties), a *fair distribution of power* (proportional representation), the *delegation of power* (to territorially or nonterritorially organized groups), and a *formal limit on power* (by means of the minority veto)" (Lijphart 1984: p. 30).

³⁵ See Owusu 1992: p. 377.

³⁶ Ake 1996: p. 132.

Fourth, it would be as inclusive as possible.³⁷ Like Wiredu, Owusu and Ake also made reference to precolonial African societies and traditions, however, unlike Wiredu they do not make a case for a specifically African conceptualization of democracy. Other scholars emphasized that while rudiments of democratic practices and principles existed in various precolonial African societies it would be dangerous to equate them with advanced forms of democracy.³⁸

³⁷ See Ake 1996: pp. 132-134.

CHAPTER 3

THEORETICAL FRAMEWORK

This chapter introduces the theoretical framework that will be used to analyze the democratization process in Kenya, Malawi and Zambia. The framework will be derived from the literature concerning the study of democratization. This literature can basically be divided into two different approaches. One is the structural or macro-level approach. It was developed by Seymour Martin Lipset in the late 1950s and assumes that certain prerequisites such as economic development, urbanization and increased literacy rate must be met before democratization can take place.

The “third wave of democratization”³⁹, which began with the Portuguese coup d’état in 1974 and spread from Southern Europe to Latin America during the 1980s and finally reached Central and Eastern Europe, Asia and Africa by the end of the 1980s and early 1990s, called the assumptions of the structural or macro-level approach into question. During the third wave democratization took place in countries that did not meet the structural prerequisites outlined above. In response to this gap between theory and empirical reality Guillermo O’Donnell, Philippe Schmitter and Laurence Whitehead developed the agency or micro-level approach based on Dankwart A. Rustow’s article “Transitions to Democracy”.⁴⁰ This approach focuses on the transition process from

³⁸ See Simiyu 1988: pp. 68-69; Schmidt 1994: pp. 236-237; and Nwokedi 1995: pp. 9-12. See also Ake 1991: p.34; Chazan 1992: pp. 113-116; Ake 1993: pp. 242-244; Ellis 1993: pp. 133-134; and Hartmann, Christof 1999: pp. 28-31.

³⁹ Huntington 1991: p. 21.

⁴⁰ Rustow 1970: pp. 337-363.

authoritarian rule to democracy and analyses the interaction and choices made by various actors such as individuals and groups during this process.⁴¹

The agency or micro-level approach for the study of democratization has been developed mainly based on studies of transitions from authoritarian rule to democracy in Southern European and Latin American countries. While not all aspects of the agency or micro-level approach are equally useful for the study of African transitions, given the different political, economic and social context of African countries, one aspect that is useful to some extent is the distinction of the democratization process into three different periods. These are political liberalization, democratic transition / democratization, and democratic consolidation. These terms, which provide the theoretical framework for the empirical part of this study, will be delineated below.

3.1 Political Liberalization

Political liberalization entails an easing of repression and the granting or extension of political rights previously denied by the authoritarian regime. During the period of political liberalization authoritarian regimes respond to internal and external pressure and relax controls on the political activities of their citizens. "In such openings, governments restore previously repudiated freedoms of movement, speech, and association to individuals and groups in society".⁴² As a result of political liberalization authoritarian governments become somewhat less authoritarian. Political measures taken towards this end can include the release of political prisoners and the lifting of

⁴¹ See Pridham 1994: p. 16; Monshipouri 1995: p. 6; and Schmitz / Sell 1999: pp. 23-24.

⁴² Bratton / van de Walle 1997: p. 159.

government censorship. John Healy and Mark Robinson pointed out that these measures “are introduced in the absence of political compromise between the regime and its opponents, with the result that they are neither guaranteed by the state nor formally accepted by various interest groups, which gives them a provisional and arbitrary character”.⁴³ In the context of chapters 4.2, 5.2 and 6.2 political liberalization is defined as a step-by-step process that leads to a less authoritarian and more open political regime and concludes with the formal decision by the authoritarian government to allow the reintroduction of a multiparty system. Some of the issues to be addressed in the context of political liberalization are as follows. What role did various internal actors play during the liberalization process and which ones were most influential in bringing it about? What role did external actors such as donors play and what impact did political events in other world regions as well as other African countries have?⁴⁴

3.2 Democratic Transition / Democratization

The literature that deals with transitions from authoritarian rule to democracy provides different conceptualizations of the terms “democratic transition” and “democratization”. Broadly speaking one can differentiate between narrow and broad conceptualizations of these terms. While the process of democratization encompasses all three stages (political liberalization, democratization / democratic transition and democratic consolidation), scholars who utilize a narrow conceptualization of the terms “democratic transition” and “democratization” such as Bratton and van de Walle focus

⁴³ Healey / Robinson 1992: 128.

⁴⁴ See O’Donnell / Schmitter 1986: p. 7; Mainwaring 1989: pp. 4-8; Linz / Stepan 1996: p. 3; and Bratton / van de Walle 1997: pp. 159-193.

their attention mainly on the founding elections⁴⁵ in which ideally an authoritarian president is replaced as a result of free and fair elections. For them a democratic transition “can be said to have occurred [...] when a regime has been installed on the basis of a competitive election, freely and fairly conducted within a matrix of civil liberties, with results accepted by all participants”.⁴⁶ If this is not the case, they speak of a *precluded transition* when “political conditions were un conducive to the construction of any kind of functioning form of governance”⁴⁷ such as in Liberia; of a *blocked transition* when political reforms were launched but never fully realized such as in Rwanda and Burundi; or of a *flawed transition* when authoritarian presidents allowed the reform process to unfold to a considerable extent, but then “exploited the powers of incumbency to dictate the rules of the political game by manipulating electoral laws, monopolizing campaign resources, or interfering with the polls”⁴⁸ to ensure they remain in power such as in Gabon or Cameroon.

Scholars like Joel Barkan and John Harbeson are critical of the temporally constrained, election-centric conception that underpins Bratton and van de Walle’s conceptualization of democratic transitions. Harbeson pointed out that their conceptualization assumes that “democratic elections will ipso facto produce regime change from an incumbent authoritarian to a new, democratically inclined regime”; that “initial multiparty elections and/or regime change will ipso facto generate the

⁴⁵ A founding election occurs when “for the first time after an authoritarian regime, elected positions of national significance are disputed under reasonably competitive conditions” (O’Donnel / Schmitter 1986: p. 57).

⁴⁶ Bratton / van de Walle 1997: p. 194.

⁴⁷ Bratton / van de Walle 1997: p. 119.

⁴⁸ Bratton / van de Walle 1997: p. 121.

momentum necessary to produce subsequent, broader patterns of democratization”; that “this momentum will be sufficient to generate the means to fulfillment of this broader array of democratization tasks in the ‘consolidation’ phase”; that “the initial multiparty elections taking place at the national level will lead to democratization processes at subnational levels”; and that “the polity itself will remain sufficiently stable to sustain transition and subsequent consolidation phases of democratization”.⁴⁹ As the analysis of the democratization process in Zambia and Malawi, which are considered by Bratton and van de Walle as having undergone successful democratic transitions, in chapters 5 and 6 will show, these assumptions are not necessarily always reflected by the political events that unfold after founding elections that resulted in the replacement of an authoritarian president by a democratically elected one. Therefore Joel Barkan called for a broader conceptualization of the terms “democratization” and “democratic transition”. He pointed out that democratization “is fundamentally a process of institution-building, and not the occurrence or non-occurrence of single events”.⁵⁰ In the context of chapters 4.3, 5.3 and 6.3 a broad conceptualization of the terms “democratic transition” and “democratization” is adopted which considers democratic transition / democratization in Kenya, Malawi and Zambia as still ongoing. This is evident by the fact that in all three countries constitutional and other reform efforts are still taking place. Some of the issues to be addressed in the context of democratic transition / democratization are as follows. What is the nature of the opposition movement (cohesive or fragmented)? What role if any did the military play? Along which

⁴⁹ Harbeson 1998: pp.42-43.

⁵⁰ Barkan 1994a: p. 180.

cleavages were political parties formed? Were the elections reasonably free and fair? What efforts have been made so far to reform the constitution and/or electoral laws; how successful have these efforts been; and who was the driving force behind them?⁵¹

3.3 Democratic Consolidation

As a result of democratic consolidation regime reversal back to authoritarian rule becomes less likely. Democratic consolidation requires the legitimation and institutionalization of democratic practices to ensure that democracy becomes “the only game in town” as Giuseppe di Palma put it. Juan Linz and Alfred Stepan proposed a conceptual framework for democratic consolidation that consists of three dimensions. First, the behavioral dimension of democratic consolidation requires that no significant political groups seriously attempt to overthrow a democratically elected government or try to secede from the state. Furthermore, in a consolidated democracy the government is no longer concerned about the possibility of democratic breakdown. Second, the attitudinal dimension of democratic consolidation requires that “even in the face of severe political and economic crises, the overwhelming majority of the people believe that any further political change must emerge from within the parameters of democratic formulas”.⁵² Third, the constitutional dimension of democratic consolidation requires that all actors in the political arena “become habituated to the fact that political conflict will be resolved according to the established norms and that violations of these norms

⁵¹ See O’Donnell / Schmitter 1986: pp. 7-11; Mainwaring 1989: pp. 4-8; Linz / Stepan 1996a: pp. 3-5; and Bratton / van de Walle 1997: pp. 194-232.

⁵² Linz / Stepan 1996a: p. 5.

are likely to be both ineffective and costly”.⁵³ In addition to these three dimensions of democratic consolidation Linz and Stepan argue that five “interconnected and mutually reinforcing conditions must also exist or be crafted for a democracy to be consolidated”.⁵⁴ First, an environment conducive to the development of a free and lively *civil society*⁵⁵ must exist. Second, while civil society can play an important role in dismantling an authoritarian regime, democratic transition and consolidation requires a relatively autonomous and valued *political society* as well in addition to a diverse civil society. The core institutions of a democratic political society are political parties, legislatures, elections, electoral rules, political leadership, and inter-party alliances. In a consolidated democracy these institutions are well established and accepted by the overwhelming majority of the population. Furthermore, political parties are mainly differentiated by ideology or programmatic concerns and not by ethno-regional concerns. Third, “throughout the territory of the state all major political actors, especially the government and the state apparatus, must be subjected to a *rule of law* that protects individual freedoms and associational life”.⁵⁶ This requires a strong consensus by all major political actors regarding the constitution and “a clear hierarchy of laws, interpreted by an independent judicial system and supported by a strong legal

⁵³ Linz / Stepan 1996a: p. 5.

⁵⁴ Linz / Stepan 1996a: p. 7.

⁵⁵ According to Linz and Stepan *civil society* refers “to that arena of the polity where self-organizing groups, movements, and individuals, relatively autonomous from the state, attempt to articulate values, create associations and solidarities, and advance their interests. Civil society can include manifold social movements (women’s groups, neighborhood associations, religious groupings, and intellectual organizations) and civic associations from all social strata (such as trade unions, entrepreneurial groups, journalists, or lawyers)” (Linz / Stepan 1996a: p. 7).

⁵⁶ Linz / Stepan 1996b: p. 17.

culture in civil society”.⁵⁷ Fourth, “there must be a *state bureaucracy* that is usable by the [...] democratic government”.⁵⁸ In order for a democratic government to function well it needs an effective capacity to command, regulate and extract. This is best ensured if its civil service is competent and recruitment as well as promotion are based on merit. Fifth, “there must be an institutionalized *economic society*”.⁵⁹ By that Linz and Stepan mean a set of socio-politically crafted and socio-politically accepted norms, institutions, and regulations that mediate between the state and market. Without a certain degree of state regulation markets cannot exist. The state must protect public and private property, establish corporate laws, regulate the stock market and standards for weight, measurement, and ingredients in order for markets to exist and to function. For markets to function well market failures must be corrected and their social costs reduced by the state. Finally, in order for democracy to be sustainable the government must provide certain public goods such as education, health care, and transportation as well as some safety net to help citizens hurt by market swings or failures, and it must take measures aimed at alleviating inequalities. In sum, in a consolidated democracy all the five conditions mentioned above exist and interact with each other.⁶⁰

As has been pointed out in chapter 3.2, the theoretical framework applied to analyze the democratization process in Kenya, Malawi and Zambia assumes that democratic transition / democratization is still ongoing in these three countries, since

⁵⁷ Linz / Stepan 1996b: p. 19.

⁵⁸ Linz / Stepan 1996b: p. 17.

⁵⁹ Linz / Stepan 1996b: p. 17.

⁶⁰ See Linz / Stepan 1996a: pp. 5-15; Linz / Stepan 1996b: pp. 14-23. See also Mainwaring 1986: pp. 1-23; Diamond 1997b: pp. xviii-xxiii; Bratton / van de Walle 1997: pp. 233-255; and Schedler 1998: pp. 91-107.

various reform efforts are still being pursued at different levels in all three countries. Therefore, in chapters 4.4, 5.4 and 6.4 only the prospects for democratic consolidation in Kenya, Malawi and Zambia respectively can be discussed. Some of the issues to be addressed in this context are as follows. What are the prospects for ethnicity to become a less salient factor in the political process? Can it be expected that in the foreseeable future political parties will emerge that can be differentiated mainly by ideology or programmatic concerns and less by ethnoregional criteria? What are the prospects for the government to play a less predominant role in the economy and for the development of a sizable middle class and formal private sector as well as for improving literacy rates? Finally, how likely is it that the legislature, the judiciary, political parties and civil society will facilitate the prospects for democratic consolidation?

CHAPTER 4

KENYA

The Republic of Kenya is located in Eastern Africa and covers a total area of 580,367 sq km (224,081 sq miles). Appendix A contains a map of Kenya that shows its eight provinces as well as major cities and towns. In mid-2001 Kenya's population was officially estimated at 30,765, 916. Many ethnic groups live in Kenya. "The Bantu groups are by far the largest (70%) of Kenya's population and include the Kikuyu, Embu, Meru, Kamba, Kisii, Baluhya, Taita, and Giriama. The Nilotics include primarily Luo [...]; the Nilo-Hamitics encompass the Maasai, Turkana and Kalenjin, while the Hamitic include the Galla and Somali in the Northeast. Kenya's largest ethnic groups are the Kikuyu (21%), Luhya (14%), Luo (13%), Kamba (11%) and Kalenjin (11%). Together with the smaller Kisii and Meru/Embu, these groups account for 75% of the population".⁶¹ The regional distribution of Kenya's main ethnic groups is as follows. The Kikuyu mainly live in central Kenya, the Luhya in western Kenya, the Luo along the shores of Lake Victoria, the Kalenjin in the central Rift Valley, the Kamba east and south-east of Nairobi, the Kisii in the south-west of Kenya, and finally the Meru live east of Mount Kenya.⁶²

⁶¹ Decalo 1998: p. 177.

⁶² See Focken / Dietz 2000: p. 123; and Morgan 2001: p. 490.

4.1 Historical Context

After the British colonial administration allowed the formation of political parties in 1959, two political parties were formed in 1960. On 14 May 1960 the Kenya African National Union (KANU) was founded. KANU brought together the larger, more educated, more urbanized, and more politically mobilized ethnic groups of the Kikuyu, the Embu and Meru, the Luo, the Kamba and the Kisii. Jomo Kenyatta, Oginga Odinga and Tom Mboya emerged as KANU's leading figures. KANU's leaders favored a strong central government. Various smaller or internally divided ethnic groups "that had been largely bypassed by the colonial economy, and whose members therefore tended to be less educated, less urbanized, and less mobilized"⁶³ and who feared that the dominance of the Kikuyu and Luo within KANU would submerge their interests and welfare in an independent Kenya founded the Kenya African Democratic Union (KADU) on 25 June 1960. KADU brought together the Abaluhya / Luhya of the Western Province, the Kalenjin of the western Rift Valley Province, the Mijikenda of the Coast Province and the semi-nomadic populations of the sparsely populated southern Rift Valley and the remote Northeastern Province. Ronald Ngala and Daniel arap Moi were KADU's leading figures. KADU received considerable financial and administrative support from European settlers who, like the ethnic groups that formed KADU, feared that KANU members would descend on "their" land after Kenyan independence. KADU's leadership was opposed to a strong central government and favored "a federal form of government called *majimbo*, with six regions, each with its own legislature, financial and executive power, and control over land, police and

⁶³ Barkan 1994b: p. 10.

administration, and with a weak central government comprising a lower house and a senate”.⁶⁴

4.1.1 The Kenyatta Era 1963-1978

On 12 December 1963 Kenya gained its independence with Jomo Kenyatta as Prime Minister. At independence Kenya had a decentralized constitutional structure with a bicameral legislature that was based on the Westminster model of parliamentary sovereignty. During the years following independence Kenyatta significantly transformed Kenya’s political system to “consolidate his personal authority and to create a government of national unity”.⁶⁵ Using a combination of carrots and sticks he persuaded the members of KADU⁶⁶ to join KANU during 1964 making Kenya a *de facto* single-party state. He also initiated various constitutional changes as a result of which the office of the Prime Minister was abolished and replaced with a strong executive President in 1964. The bicameral parliament was replaced by a unicameral National Assembly in 1966.⁶⁷

KADU’s incorporation into KANU accelerated the process of internal division between moderate and more radical elements within KANU. The infusion of KADU moderates such as Daniel arap Moi into KANU strengthened Kenyatta’s hand vis-à-vis the more radical elements of KANU around Vice-President Jaramogi Oginga Odinga

⁶⁴ Osabu-Kle 2000: p. 155. See also Barkan 1994b: pp. 10-11; Ogot 1995: p. 65; and Muigai 1995: pp.166-167.

⁶⁵ Throup / Hornsby 1998: p. 12.

⁶⁶ In December 1964 the former deputy chairman of KADU, Daniel arap Moi, became Minister of Home Affairs in President Kenyatta’s government.

⁶⁷ See Barkan 1994b: p.11; Ochieng 1995: pp.107-108; Throup / Hornsby 1998: p. 12.

who were critical of Kenyatta's pro-Western and pro-business policies and who wanted to nationalize foreign-owned companies and seize settler farms without compensation. After a series of rigged KANU elections aimed at eliminating supporters of the radical faction from party posts, Odinga and his supporters⁶⁸ left KANU in April 1966 and formed a new political party, the Kenya People's Union (KPU). The aim of Odinga and his supporters was to "create a more left-wing party, to oppose the growing conservatism and Western orientation of the KANU leadership, and to try to replace the persistently ethnic basis of politics with a cleavage based on ideological, class or socio-economic grounds".⁶⁹ Between 1966 and 1969 President Kenyatta took various measures against KPU making it quite clear that he was not willing to tolerate another party outside KANU. Immediately after the formation of KPU in April 1966 the constitution was changed requiring MPs who defected to another party to resign and face a by-election. As a result of ethnic pressure and rigging, out of the 29 MPs who had left KANU only nine MPs, mainly Luos from the Nyanza Province, emerged victorious in the by-elections. The result of this by-election revealed an important aspect of Kenyan politics. Ethnicity⁷⁰ and state power were more important in determining political preferences than class or ideology. The formation of KPU brought an end to the Kikuyu-Luo alliance. Kenyatta replaced it with a new alliance between the Kikuyu and the Kalenjin by giving the coveted Vice-Presidency to the Kalenjin Moi in

⁶⁸ Odinga's move was backed by roughly one fifth of KANU's legislators including many Kikuyu and Luo.

⁶⁹ Throup / Hornsby 1998: p. 13.

⁷⁰ Githu Muigai defines ethnicity as "the consciousness among people with shared cultural and linguistic roots that gets utilized for political affiliation and mobilization to compete with other groups for scarce resources" (Glickman 1995: p. 387).

January 1967. During 1967 and 1968 KPU's political activities were curtailed in various ways. KPU officials were detained and harassed, branch registrations were denied, candidates were disqualified and KPU meetings were interrupted by KANU's youth wing. In October 1969 KPU was banned and its leaders detained after a visit of President Kenyatta to Kisumu in Luoland had ended in violence. The brief existence of an opposition party from 1966 to 1969 demonstrated "two fundamental features of Kenyan political culture – the refusal of government to accept challenges to its right to rule, and the rapid reversion of the constitutional opposition to its ethnic bastion".⁷¹

While Kenyatta suppressed competition between political parties, as shown above, he institutionalized a significant measure of competition within KANU as the central mechanism to allocate and define positions of his elaborate clientelist system beginning with the parliamentary elections of 1969. All Kenyans were permitted to participate in KANU's primary elections as long as they did not challenge KANU's and Kenyatta's monopoly of power. Under this system of semi-competitive elections in single-member constituencies the KANU primaries were basically local referenda that gave the electorate the opportunity to confirm or replace MPs depending on their success in securing state resources. This led to a relatively high turn-over and reshuffling of personnel within Kenya's clientelist structures. For instance, as a result of the 1969 parliamentary elections, 26% of the ministers and 37% of the assistant ministers lost their parliamentary seats and hence also their ministerial appointments.

⁷¹ Throup / Hornsby 1998: p. 15. See Throup / Hornsby 1998: pp. 12-15.

The possibility of being repudiated by the electorate ensured that MP's paid attention to the concerns of the inhabitants of their districts.⁷²

In addition to conducting regular parliamentary elections under a semi-competitive framework the political system established under Kenyatta's presidency was also characterized by a professionally run and fairly independent judiciary as well as a relatively free press and the emergence of an autonomous associational life. Like in electoral politics, as long as the press and civil society organizations did not challenge Kenyatta's authority directly they could serve as a platform for muted criticism of government policies. Within these norms of permissibility, a broad spectrum of civil society organizations emerged during the 1970s. These included professional associations such as the Law Society of Kenya (LSK); economic interest groups such as the Central Organization of Trade Unions (COTU); church organizations of various denominations such as the National Christian Council of Kenya; and ethnic welfare organizations such as the Gikuyu Embu Meru Association (GEMA) and the Luo Union. In sum, while "Kenyatta's Kenya was not democratic, it was nonetheless a relatively open and resilient system with multiple secondary centers of power and a measure of real competition – and hence accountability – at the local and regional levels".⁷³

4.1.2 From Clientelism to Personal Rule – The Presidency of Daniel arap Moi

After President Kenyatta's death on 22 August 1978 his Vice-President, Daniel arap Moi of the Kalenjin ethnic group, became his constitutional successor. During the

⁷² See Barkan / Okumu 1978: pp. 100-103; Barkan 1992: pp. 172-173; Throup / Hornsby 1998: pp. 15-17; and Hartmann, Dirk 1999: pp. 476-477.

⁷³ Barkan 1992: p. 175.

first ten years of his presidency Moi dismantled the clientelist network established under the presidency of Kenyatta and transformed it into a system of personal rule. In order to achieve that goal he adopted an increasingly authoritarian stance. KANU became an important tool in this transformation. He turned the party “from a bottom-up, moderating articulator of interests to a top-down instrument of personal control – at the expense of parliament and other institutions”.⁷⁴

While Moi initially retained several Kikuyu in his cabinet for strategic reasons, soon after taking office he undertook various measures to undermine the political power of the Kikuyu establishment. In 1980 he banned all ethnic welfare associations including the wealthiest of them, the Gikuyu, Embu and Meru Association (GEMA). He also replaced many senior Kikuyu officials in government with members of his own Kalenjin ethnic group as a means of gaining greater control over the political process and to ensure that the will of the central government was enacted in the regions. In early 1982 Oginga Odinga and George Anyona tried to register a new political party, the Kenyan Socialist Alliance. In response Moi rushed⁷⁵ through the National Assembly a Constitutional amendment bill on 9 June 1982 making Kenya a *de jure* single-party state. Subsequently Moi revitalized the structures of KANU and used the party more and more as a control mechanism for instance by making party membership obligatory for all civil servants and by using KANU branch organizations to break up clientelist networks, which were used under Kenyatta to advance ethnoregional interests.

⁷⁴ Brown 2000: p. 206.

⁷⁵ The legislation was passed by the National Assembly after only 45 minutes of debate.

Following an attempted Air Force coup d'état in August 1982⁷⁶ Moi restructured the armed forces, further tightened his control over the state, curtailed press freedom and suppressed any dissent. Political opponents were detained and tortured and critical university professors were fired. In an attempt to further control and manipulate the political process in his favor Moi announced several controversial changes of the electoral procedures in 1986. He replaced the secret ballot in the party primaries with a queuing system under which voters had to line up behind pictures of each contestant. Another change stipulated that "candidates receiving 70 percent of the vote at queuing time would be declared elected".⁷⁷ These changes were applied in the 1988 parliamentary elections and led to widespread rigging. At least one third of the electoral contests in these elections were manipulated to ensure that candidates favored by Moi won. This destroyed the confidence of ordinary Kenyans in the political process and deprived the National Assembly of its watchdog role vis-à-vis the executive⁷⁸. In his efforts to maximize his control over the political process Moi also reduced the autonomy of various civil society organizations. In 1989 Moi forced the Central Organization of Trade Unions (COTU) and Kenya's largest women's organization, Maendeleo ya Wanawake, to affiliate with KANU. In short, during the 1980s President Moi significantly increased the authoritarian nature of the Kenyan political system. As a

⁷⁶ For a detailed account of the coup d'état and its consequences see Decalo 1998: pp. 242-246.

⁷⁷ Barkan 1992: p. 182.

⁷⁸ Makau wa Mutua pointed out that queue voting made it much less likely that people would line up behind pictures of candidates known to be critical of government policies out of fear for government reprisals (see wa Mutua 1992a: p.23).

result various groups of Kenyan society expressed their desire for fundamental political changes since the mid-1980s.⁷⁹

4.2 Political Liberalization

Kenyan churches and lawyers played an important role in bringing about political liberalization in Kenya. In contrast to the Central Organization of Trade Unions (COTU) and the national women's organization, which became auxiliary organizations of KANU, the churches, particularly the Roman Catholic church and the National Council of Churches in Kenya (NCCCK) as well as the legal profession managed to maintain a relatively high degree of independence from the government of President Moi. On the one hand, Kenyan churches and lawyers occupied a "political space which government could not interfere with without dragging down the entire political and ideological facade of constitutionalism and legalism".⁸⁰ On the other hand, Kenyan churches and lawyers possessed organizational advantages they could use to protect themselves and others. In contrast to newspapers and leaflets, church sermons were less subject to state control and bans. During the late 1980s especially younger clergymen took it upon themselves to preach the Gospel against state oppression. Furthermore, Kenyan churches like the Anglican Church of the Province of Kenya (CPK) and the Presbyterian Church of East Africa (PCEA) are members of international denominations, whose members in other countries might have drawn international attention to the Kenyan government if their local representatives would have been

⁷⁹ See Barkan 1992: pp. 178-188; Widner 1992b: pp. 133-161; Decalo 1998: pp. 229-255; Throup / Hornsby 1998: pp. 26-53; and Brown 2000: pp. 205-208.

⁸⁰ Muigai 1993: p. 26.

harassed or jailed. Like the clergy, Kenya's legal profession also has international ties, which were used to draw the attention of the international community to the imprisonment of Kenyan lawyers. For instance, through periodicals such as the *Nairobi Law Monthly* and the Kenyan section of the International Commission of Jurists (ICJ), that has consultative status with the Economic and Social Council of the United Nations and the United Nations Educational, Scientific and Cultural Organization (UNESCO). These organizational advantages provided Kenyan clergy and lawyers with a semi-protected space from which they were able to criticize the increasingly authoritarian practices of the Moi regime during the second half of the 1980s. For instance, various clergymen and lawyers like Paul Muite and Kiraitu Murungi criticized the replacement of the secret ballot with a queuing system in 1986. Kenyan lawyers and clergymen like the Rev. Timothy Njoya and Bishop Okullu⁸¹ were also among the first to demand Kenya's return to a multiparty system.⁸²

During the year 1990 opposition against Moi's government grew stronger and became more broadly based. The politically motivated assassination in February 1990 of Kenya's Minister of Foreign Affairs and International Cooperation, Dr. Robert Ouko, a Luo who was an outspoken critic of corruption within the Moi government, triggered widespread protest against the government, especially among the Luo community and students in Nairobi and the Nyanza Province. Protest songs were recorded and people started greeting each other with two-fingered "salutes", the sign of multi-partyism. The

⁸¹ In late April 1990 Bishop Okullu, "emboldened by the recent release of Nelson Mandela and the legalisation of the ANC in South Africa, [...] publicly stated that only multi-party politics would guarantee full accountability and transparency" (Throup / Hornsby 1998: p. 58).

⁸² See Widner 1992a: pp. 214-218; Widner 1992b: pp. 187-192; Sabar-Friedman 1995: pp. 430-440; Sabar-Friedman 1997: pp. 32- 50; and Throup / Hornsby 1998: pp. 55-58.

Moi government responded with a violent crackdown and banned all demonstrations from the beginning of March.⁸³ In May 1990 the former Kikuyu cabinet ministers, Kenneth Matiba and Charles Rubia, demanded Kenya's return to multiparty democracy at a press conference. During the following weeks they held talks with leading politicians of other ethnic groups such as the Luhya Masinde Muliro and the Luo Oginga Odinga to get their support for their demands. The Moi government felt threatened by the prospect of Kenya's three largest ethnic groups joining forces against it and on 4 July 1990 arrested Matiba, Rubia and Odinga's son, Raila Odinga, who were in the process of organizing a pro-democracy rally in Nairobi. Provoked by these arrests thousands of people gathered on 7 July 1990⁸⁴ at Nairobi's Kamukunji grounds in defiance of a government ban and demanded political reforms and respect for human rights. After police and the paramilitary General Services Unit (GSU) tried to disperse the crowds with batons and tear gas, riots broke out in Nairobi and several cities of the Central Province. During the following three days many were killed or injured and hundreds were arrested.⁸⁵ In February 1991 Oginga Odinga announced the formation of a new political party, the National Democratic Party. Various lawyers and academics supported him in this effort. However, the government refused to register it, since Kenya was a *de jure* one-party state. Subsequently, in August 1991 six opposition leaders, including Odinga, announced the establishment of the Forum for the Restoration of Democracy (FORD). They stressed that FORD would not be a political

⁸³ See Mair 1994: pp. 34/35; Widner 1992b: p.193; and Thobhani 2000: pp. 6-7.

⁸⁴ This day became known as "*Saba Saba*, Kiswahili for '7/7' (the date), and carries much political and symbolic power in Kenya" (Brown 2000: p. 218).

⁸⁵ See Widner 1992b: p. 175-176; Hartmann, Christof 1999: pp. 179-181; and Brown 2000: p. 218.

party but a pressure group for constitutional reforms and multiparty democracy. The members of FORD frequently pointed to the political events in Zambia during 1990 and 1991 as an example for Kenya.⁸⁶

As a response to this internal political pressure Moi established the KANU Review Committee in June 1990 to investigate complaints voiced by the Kenyan people. During a conference of KANU delegates in early December 1990 it was decided to abolish the queue voting system⁸⁷ and the 70 percent rule. It was also decided to readmit to KANU formerly expelled members. In another concession the government decided to restore the tenure of judges. Moi hoped that these rather minor reforms would let off enough steam and would enable him to avoid further going changes. During several occasions he made it quite clear that Kenya would remain a one-party state even so opposition parties had emerged in other African countries like Zambia. When defending his rejection of multiparty politics Moi repeatedly argued that “the legalization of opposition parties would usher in tribal conflict and destroy national unity”.⁸⁸ However, he was ultimately forced to change his position on this issue by the international donor community.⁸⁹

In May 1990 the U.S. Ambassador in Kenya, Smith Hempstone, made a statement in which he linked foreign aid to political reform. In July of the same year he

⁸⁶ See Ogot 1995: p. 244; and Hartmann, Christof 1999: p. 182 and 184.

⁸⁷ The cancellation of the queue voting system “came as a result of a campaign headed by church leaders, who cited the abolition of this system as a massive step towards the enhancement of unity in the country. In addition, they said that they can queue only behind God, thus broadening their struggle to include the freedom of opposition” (Sabar-Friedman 1995: p. 452, footnote 35).

⁸⁸ Barkan 1993: p. 90.

⁸⁹ See Muigai 1995: pp. 180-181; and Hartmann, Christof 1999: pp. 180-181.

expressed his distress at the detention of Kenneth Matiba, Charles Rubia and Raila Odinga as well as other pro-democracy activists. In mid-1990, Norway, Denmark, Sweden and Finland were the first of Kenya's donors to threaten to cut their aid if the Kenyan government continued to disrespect democratic rights. In response to the arrest of the editor-in-chief of the "Nairobi Law Monthly", Gitobu Imanyara, the United States, the Nordic countries, Germany and Japan threatened further aid cuts in May 1991. Displeased with the worsening political situation in Kenya, the Nordic countries threatened to cancel aid agreements worth \$80 million in July 1991. In September 1991 the Danish government started to carry out this threat by suspending all new aid to Kenya. In November 1991 leaders of FORD tried to organize a pro-democracy rally in Nairobi. Despite the lack of governmental permission, many people gathered in the streets of Nairobi on 16 November 1991 and demanded the reintroduction of multiparty democracy. The Moi government detained twelve prominent members of FORD and ended the gathering by using heavy force. In response, many of Kenya's donors, including the U.S., the UK, Canada, Sweden and Denmark, issued strong written or oral protests. Germany and the UK recalled their Ambassadors.⁹⁰ Against the background of the continued unwillingness of the Moi regime to undertake democratic reforms Kenya's donors took bold action against Kenya in November 1991. On 25-26 November 1991 Kenya's bilateral donors met in Paris. During this Consultative Group

⁹⁰ Michael Chege pointed out that Nairobi is home to approximately 160 foreign correspondents, including CNN. They facilitated that the rest of the world could get first hand information about the authoritarian practices of the Moi regime (see Chege 1994: p. 60). This might have increased the pressure on Kenya's bilateral donors to take some bold action at their meeting in Paris in November 1991.

meeting⁹¹ they decided “to suspend balance of payments support and other rapid disbursement aid for six month”⁹² pending the introduction of substantial political and economic reforms. This decision caused immediate economic problems for the Kenyan government, including a rapid depreciation of the Kenyan currency, the shilling. It took the Kenyan government less than a week to react to this decision. On 2 December 1991 President Moi announced Kenya’s return to a multiparty system during a special KANU National Delegates’ Conference and on 10 December 1991 the Kenyan parliament repealed Section 2(A) of Kenya’s constitution, which was added in 1982 to make Kenya *de jure* a one-party state.⁹³

The period of political liberalization in Kenya lasted for about six years. It was triggered by the increasingly authoritarian character of the Moi regime since the mid-1980s. Due to their organizational advantages Kenyan churches and lawyers played an important role during the early phase of political liberalization. The deteriorating economic situation and the increasing alienation of Kikuyu leaders with the Kalenjin-dominated regime of President Moi were among the causes that convinced the Kikuyu politicians Kenneth Matiba and Charles Rubia of the need to give political liberalization in Kenya a major push by publicly demanding Kenya’s return to multiparty democracy in May 1990. In this context Holmquist, Weaver and Ford pointed out that Kikuyu leaders considered the return to a more competitive political system “as the only way in

⁹¹ This meeting brought together representatives of Canada, Denmark, Finland, France, Germany, Italy, Japan, the Netherlands, Sweden, Switzerland, the United Kingdom, the United States, the African Development Bank, the European Union, the European Investment Bank, the IMF, and the United Nations Development Programme. Belgium, Saudi Arabia and the OECD sent observers.

⁹² Throup / Hornsby 1998: p. 84.

⁹³ See Ahluwalia 1993: p. 508; Throup / Hornsby 1998: pp. 84-88; Hartmann, Christof 1999: pp. 186-191; and Brown 2000: pp. 222-230.

which their economic power could be directly translated into political power”.⁹⁴ However, internal actors alone were not strong enough to bring about Kenya’s return to multiparty politics. One of the reasons for the relative weakness of the internal opposition is that its social base was limited mainly to the urban middle and upper classes. Organized peasant and trade union participation was almost entirely absent during the period of political liberalization. Widner remarked that while the legal community “could facilitate the flow of information between other social actors, it could not provide an organizational base. It could not supply cars to send representatives to speak with farmers in rural areas, for example, or do many of the other things that a coherent opposition would have to do to coordinate economic actors and to use that collective leverage to force the president and his party’s leadership to the bargaining table”.⁹⁵ Therefore only the withholding of \$350 million in foreign aid by the international donor community in November 1991 gave teeth to the demand of the Kenyan opposition for the establishment of a multiparty democracy. The high degree of aid dependability of the patronage-based regime left Moi no other choice than to concede to the demands of the donors. He did so rather quickly to gain a strategic advantage⁹⁶ over the opposition in the early stages of the democratization process as will be shown in chapter 4.3.⁹⁷

⁹⁴ Holmquist / Weaver / Ford 1994: p. 98.

⁹⁵ Widner 1992b: p. 189.

⁹⁶ “By deciding to accede to international pressure for greater political pluralism before it was inevitable, President Moi had seized the initiative back from FORD, enabling KANU to [...] prepare the multi-party electoral process to KANU’s advantage” (Throup / Hornsby 1998: p. 88).

4.3 Democratic Transition / Democratization

In chapter 4.3 the democratic transition / democratization in Kenya will be analyzed. First, the formation of major opposition parties after the end of the *de jure* single-party state will be examined. Second, major developments in the months leading up to the first multiparty elections during the 1990s on 29 December 1992 will be looked at and their results will be analyzed. Third, major political developments prior to and the second multiparty elections during the 1990s on 29/30 December 1997 will be examined. Fourth, constitutional reform efforts will be looked at.

4.3.1 The Formation of Opposition Parties

During the course of 1992 various opposition parties⁹⁸ were formed. However, only three parties received a significant number of votes during the elections on 29 December 1992. Therefore the following remarks will focus on the formation of FORD-Kenya, FORD-Asili and the Democratic Party (DP).

After the legalization of opposition parties on 10 December 1991 the Forum for the Restoration of Democracy (FORD) was the first party to be officially registered as a political party on 31 December 1991. Since the interim leadership of FORD was dominated by Oginga Odinga, a Luo, and Martin Shikuku, a Luhya, some powerful functionaries of the former Kikuyu ethnic welfare organization GEMA feared that their interests might not be adequately represented within FORD. Therefore they urged the Minister of Health in Moi's government, Mwai Kibaki, to leave the government and

⁹⁷ See Holmquist / Ford 1992: pp. 99-102; and Hartmann, Christof 1999: 194-195. For an excellent overview of the social forces beyond opposition politics in Kenya see Chege 1994: pp. 56-61.

KANU and to form an alternative political party. After his efforts to push for substantive reforms within KANU were increasingly frustrated by the Kalenjin inner circle around President Moi, Kibaki left the government in late December 1991 and announced the formation of the Democratic Party of Kenya (DP), which was registered as a political party in January 1992. In contrast to FORD, which brought together members of different ethnic groups and different ideological orientations, DP was a fairly homogenous party comprising mainly the Kikuyu élite. The ethnic base of the DP was mainly among the northern Kikuyu and ideologically the DP was “the party of big business, favouring economic liberalisation and the privatisation of inefficient parastatals”.⁹⁹ The formation of the Democratic Party effectively undermined a united Kikuyu opposition to the Moi regime by splitting the Kikuyu between FORD and DP.¹⁰⁰

While FORD received a lot of support in early 1992¹⁰¹, which was evident by its ability to organize a rally in Nairobi in January 1992 that was attended by more than 100,000 people, it ultimately failed to transform itself from a loose coalition of more or less like minded individuals into a unified and viable political party. Githu Muigai mentioned three reasons for that. First, there was a generation gap within FORD. The coalition brought together young, enthusiastic and idealistic activists who sought to rewrite the ground rules of Kenyan politics with older, more experienced and more

⁹⁸ These parties included the Social Democratic Party (SDP), the Labour Party Democracy (LPD), the Kenyan National Congress (KNC), the Kenya National Democratic Alliance (KENDA), the Party of Independent Candidates of Kenya (PICK), and the Islamic Party of Kenya (IPK).

⁹⁹ Throup / Hornsby 1998: p. 98.

¹⁰⁰ See Mair 1994: pp. 61-62; Wiseman 1996: p. 135; Oyugi 1997: pp. 49-50; and Throup / Hornsby 1998: pp. 94-100.

¹⁰¹ In early 1992 the FORD leadership “reflected a wide ethnic base including Kikuyu, Luo, Luhya, Kamba, and Kisii, and a wide regional base with only Moi’s heartland in the Rift Valley excluded” (Wiseman 1996: p. 135).

opportunistic politicians who were mainly interested in becoming Kenya's next president. Second, after Kenneth Matiba's return to Kenya from the UK, where he was receiving treatment for a stroke he had suffered while in detention, in May 1992 serious personality differences emerged between him and FORD's chairman, Oginga Odinga. Third, the ethnic factor reinforced the personal differences among FORD's leadership.¹⁰²

As a result of the inability of its leadership to agree on the procedures for electing FORD's officials and presidential candidate, FORD split into two opposing factions in August 1992. Kenneth Matiba and Martin Shikuku, who favored a direct vote by the members of the party, led the Muthithi House faction of FORD and Oginga Odinga, Paul Muite and Gitobu Imanyara, who favored an indirect vote through a delegates' conference, led the Agip House faction. A campaign by Kenyan churches to unite the opposition remained fruitless and in mid-October 1992 the two factions were registered as two different political parties. The Muthithi House faction became FORD-Asili¹⁰³ and the Agip House faction became FORD-Kenya. FORD-Asili's ethnic base was mainly among the southern Kikuyu including the urban and rural poor as well as the ethnic group of the Luhya. FORD-Kenya's ethnic base was mainly among the Luo of the Nyanza province.¹⁰⁴

¹⁰² See Muigai 1995: p. 182.

¹⁰³ Asili means original in Kiswahili.

¹⁰⁴ See wa Mutua 1992c: pp. 35-36; wa Mutua 1992d: p. 58; *Africa Confidential*, 9 October 1992: p. 4; Mair 1994: pp. 62-66; Holmquist / Ford 1994: p. 7; Ogot 1995: pp. 247-249; Sabar-Friedman 1995: p. 446; Wiseman 1996: p. 135; Schmidt 1997: pp. 273-277; Throup / Hornsby 1998: pp. 92-164; and Brown 2000: pp. 242-246.

4.3.2 The 1992 Elections

Prior to the elections on 29 December 1992 the Moi regime undertook various measures to derail the democratization process and to increase its chances of emerging victorious from the elections. The Moi regime used the state machinery and its financial resources to ensure that there was no level playing field between KANU and the opposition parties prior to the elections.

After opposition parties had been officially registered in early 1992, the civil service, mainly the provincial administration and the police, created many obstacles for the opposition parties to organize effectively. For instance, the provincial administration frequently delayed the registration of their local branches. As a result they lost valuable time in setting up an organizational structure throughout the country. Furthermore in granting permits for political meetings the district commissioners were clearly biased in favor of KANU. While the government party frequently held political meetings without having any permission, the issuing of permissions for political rallies of opposition parties was frequently denied, delayed or canceled shortly before the meeting was to take place. Another measure to hinder the opposition to organize effectively was the “zoning” of parts of the country. KANU declared parts of the Rift Valley and the North-Eastern Province as “KANU-only” areas and refused the entry of members of the opposition to these areas. During the voter registration period from 8 June to 20 July 1992 many irregularities occurred. In delaying the issuing of identity cards to younger voters, who were considered potential voters for opposition parties, the local

administrations made it impossible for an estimated one million young voters to register.¹⁰⁵

Another strategy of the Moi regime to derail the democratization process was the use of the Kenya Broadcasting Corporation (KBC) to stigmatize the opposition parties. KBC's television and radio coverage of the electoral campaign was clearly biased in focusing "on positive news as related to KANU and negative news as related to opposition parties".¹⁰⁶ Until two weeks prior to the elections any access to broadcast media was denied to the opposition parties. Only the two daily newspapers "Standard" and "Daily Nation" tried to remain neutral in giving KANU and the opposition parties ample coverage. However, the balanced coverage of the print media could not counterbalance the clearly biased coverage of the broadcast media in a country "where the overwhelming majority of the people live in rural areas and literacy levels are not high".¹⁰⁷

The Moi regime also boosted its chances to win the elections on 29 December 1992 by amending the Kenyan constitution in its favor. The Constitution of Kenya (Amendment) Act, which was adopted by the Kenyan parliament in August 1992, stipulated that a presidential candidate could only win if he received a simple majority of the total vote and at least 25% of the vote in five of Kenya's eight provinces. If none of the candidates was able to meet this requirement, a run-off election between the two

¹⁰⁵ See Barkan 1993: p. 93; wa Mutua 1992b: p.14; Geekie 1993: p.15; Muigai 1993: pp. 29/30; and IRI 1993: pp. 19 and 29/30.

¹⁰⁶ IRI 1993: p. 32.

¹⁰⁷ Muigai 1993: p. 31.

candidates that received the highest number of votes would take place.¹⁰⁸ Furthermore, the Act stipulated that the president must form the government exclusively from among members of his own political party and forbade the formation of coalition governments.¹⁰⁹

In another measure aimed at boosting KANU's chances to retain a parliamentary majority after the elections on 29 December 1992, the Electoral Commission did not consider redrawing Kenya's 188 constituencies / electoral districts that were created in 1987.¹¹⁰ As a result the sparsely populated North-Eastern Province (141,000 registered voters), a KANU stronghold, contained ten constituencies, which translated on average into 14,100 voters per seat, while Nairobi (674,000 registered voters)¹¹¹, an opposition stronghold, contained only eight constituencies, which translated into more than 84,000 voters per seat. These flagrant inequalities concerning the degree of representation per electoral district can be considered to violate chapter III, section 42(3) of Kenya's constitution, which states that "all constituencies shall contain as nearly equal numbers

¹⁰⁸ Foeken and Dietz pointed out that the legislation did not specify for instance what "had to be done if the leading candidate did not meet this requirement" but the one coming in second did or what "had to happen if after the run-off elections, the two candidates still did not muster the 25 percent clause" (Foeken / Dietz 2000: p. 130). They also pointed out that despite these shortcomings "the bill sailed smoothly through parliament without any amendments and with only one vote against" (Foeken / Dietz 2000: p. 130). They further pointed out that there was complete silence from Kenya's opposition parties when this bill was passed prompting the Attorney-General to ask: "Are [the opposition] admitting that the current president can fulfill that 25 per cent requirement and that any other presidential candidate cannot?" (quoted in Foeken / Dietz 2000: p. 130 based on *The Weekly Review*, 14 August 1992: p. 15).

¹⁰⁹ See Foeken / Dietz 2000: pp. 129-130; Fox 1996: pp. 605-607; and Kibwana 1998: pp. 225-226. In contrast to Hartmann, Christof 1999: p. 197; Brown 2000: p. 235; and Foeken / Dietz 2000: p. 130, Kibwana pointed out that "Act No. 6 of 1992 did not bar coalition government even if that was the intention of some legislators. The language of the clause in question does not foreclose coalition government" (Kibwana 1998: p. 225).

¹¹⁰ In 1987, 30 constituencies were added to the 158 constituencies that were created in 1966.

¹¹¹ When 30 new constituencies were created in 1987 not a single one was created in Nairobi although its population increased from 509,286 in 1969 to 1,324,570 in 1989 according to official statistics.

of inhabitants as appears to the [Electoral] Commission to be reasonably practicable”.¹¹² Moi also refused to reconstitute the Electoral Commission to include persons acceptable to all parties as demanded by the opposition, preferring instead to leave in place the commissioners he had appointed prior to legalizing opposition parties.¹¹³

Finally, Moi’s government tried to show Kenyans and the world that pluralism wouldn’t work in Kenya by fomenting ethnic violence in parts of the Rift Valley and western Kenya. In these areas senior government officials and KANU leaders encouraged members of Moi’s Kalenjin ethnic group to beat up the members of the Luo, Luhya and Kikuyu ethnic groups, who were believed to be supporters of the opposition.¹¹⁴ As a result of the ethnic violence in parts of the Rift Valley and in western Kenya, thousands of people were displaced and had therefore no opportunity to register as voters. In response to the ethnic violence the Church of the Province of Kenya (CPK) released a sixteen-page pastoral letter¹¹⁵ to the press on 26 April 1992 in which it outlined the history of the clashes and blamed the government for failing to prevent them. Holmquist and Ford pointed out that “international criticism was muted by the rural and seemingly primordial ethnic character of the clashes, their episodic occurrence, and the absence of a menacing government security force. The clashes worked a political miracle for the regime. They helped unite fractious Kalenjin

¹¹² Quoted after Fox 1996: p. 603.

¹¹³ See Foeken / Dietz 2000: p. 131; Chege 1994: p. 68; and Fox 1996: pp. 597-604.

¹¹⁴ Galia Sabar-Friedman pointed out that the “clashes started as sporadic, local, and unorganized attacks, involving small numbers of people. As time passed and no police action occurred, the scale and scope of the clashes increased. Looting, rape, the burning down of entire villages, and killings became an everyday reality in large parts of the country. Armed gangs of men attacked villagers day and night with impunity” (Sabar-Friedman 1995: p. 444).

¹¹⁵ On 22 April 1992, a pastoral letter was read in all Catholic churches of Kenya in which “the Catholic bishops charged the state with complicity in these atrocities” (Chege 1994: p. 74, endnote 9).

subgroups while ‘opening up’ land that would be taken over by some Kalenjin and driving likely opposition voters out of Rift Valley constituencies”.¹¹⁶

In the light of an opposition divided into three main parties and the various measures of the Moi regime to influence the outcome of the elections in its favor, it is hardly surprising that Moi and KANU emerged victorious from Kenya’s first multiparty presidential and parliamentary elections in twenty-seven years on 29 December 1992. Moi won the presidential elections with 36.35% of the vote. He was also the only candidate who received at least 25% in five of Kenya’s eight provinces. The presidential candidate of FORD-Asili, Kenneth Matiba, came in second with 26.00% of the vote, while the presidential candidate of the Democratic Party, Mwai Kibaki, finished third with 19.45% of the vote, just before the presidential candidate of FORD-Kenya, Oginga Odinga, who received 17.48% of the vote.¹¹⁷ The opposition candidates together received approximately 3.3 million votes while Moi received approximately 1.9 million votes. As the table in Appendix B and the figure in Appendix C show, ethnic considerations were the single most important factor in determining voters’ choices. Moi’s support was strongest among his own ethnic group, the Kalenjin in the Rift Valley Province, and among various smaller ethnic groups in the North-Eastern Province and the Coast Province.¹¹⁸ Matiba’s support was strongest among the Kikuyu of the Central Province and in Nairobi. He also received a significant amount of votes

¹¹⁶ Holmquist / Ford 1995: p. 178. See also *Africa Confidential*, 8 May 1992, p. 2; wa Mutua 1992b: p. 14; Muigai 1993: p. 31/32; Human Rights Watch / Africa Watch 1993: pp. 1-97; Chege 1994: pp. 69-70; and Mair 1994: pp. 94-103.

¹¹⁷ These percentage figures have been calculated by the author based on the results as announced in the *Daily Nation* on 5 January 1993 (Appendix B).

¹¹⁸ Moi made offers of Vice Presidential appointments in case of his victory to the leaders of various smaller ethnic groups like the Kisii, Meru and Kamba to gain their support.

from the Luhya in the Western Province, since is running mate, Shikuku, was from that ethnic group. Kibaki also received support from the Kikuyu of the Central Province, however, to a lesser extent than Matiba. As the GEMA torchbearer Kibaki's support was strongest among the Meru and Embu of the Eastern Province. Odinga's support was strongest among the Luo of the Nyanza Province. The table in Appendix D shows the results of the parliamentary elections by province. KANU managed to win 100 seats in the National Assembly mainly because of the fact that the electoral districts were not drawn on an equitable basis. This was to the advantage of KANU, since it received most of its support in less densely populated areas. FORD-Kenya and FORD-Asili won 31 seats each and the Democratic Party won 23 seats. Three smaller parties won one seat each. Like the presidential elections also the parliamentary elections show a direct relationship between ethnicity and voting behavior. FORD-Asili and the Democratic Party won most of their seats in the Central Province, which is home to the Kikuyu. FORD-Kenya won most of its seats in the Nyanza Province, which is home to the Luo, and KANU won most of its seats in the Rift Valley Province, which is home to the Kalenjin.¹¹⁹

4.3.3 The 1997 Elections

While Kenya's opposition parties became even more divided than they were prior to the 1992 elections, different elements of Kenya's vibrant and resilient civil society joined forces to push for constitutional and administrative reforms prior to Kenya's second multiparty elections during the 1990s on 29 December 1997.

¹¹⁹ Mair 1994: pp. 109-116; Muigai 1995: pp. 185-191; Oyugi 1997: pp. 57-66; and Foeken / Dietz 2000: pp. 126-129.

The process of further fragmentation of Kenya's opposition started after the death of the leader of FORD-Kenya, Oginga Odinga, on 20 January 1994. Thereafter the Second Vice-Chairman, the Luhya Kijana Wamalwa, assumed the leadership of FORD-Kenya. As a result of personal animosities and factional rivalries over tactics FORD-Kenya experienced three high profile defections. First, the FORD-Kenya MPs Paul Muite and Kiraitu Murungi together with the former director of Kenya's Wildlife Service, Richard Leaky, founded a new party called Safina¹²⁰ on 13 May 1995. Safina tried to become a multiethnic platform for reform. However, its effectiveness as a political party was curtailed by that fact that the Moi regime refused to register Safina as a political party until a few weeks before the 1997 elections. Second, also in 1995 the political scientist and FORD-Kenya MP Peter Anyang Nyong'o joined the Social Democratic Party (SDP) and became its head. By doing so he raised the profile of this party. Third, as a result of tensions between the head of FORD-Kenya, Kijana Wamalwa, and Odinga's son, Raila Odinga, the latter left the party in December 1996 and revitalized the National Development Party (NDP). Matiba's FORD-Asili was weakened by defections to KANU. As a result of tensions surrounding Matiba's call for a boycott of the 1997 elections Kimani wa Nyoike left FORD-Asili to found a new party called FORD People. Out of the three main opposition parties that emerged during 1992 only the Democratic Party (DP) was not significantly weakened by defections except for Chairty Ngilu's defection to the SDP to become its presidential candidate. She actually became Kenya's first female presidential candidate ever. However, DP's

¹²⁰ Safina means the ark in Swahili.

presidential candidate, Kibaki, was not really weakened by Ngilu's defection, since he benefited from Matiba's boycott of the elections.¹²¹

As has been shown in chapter 4.3.2 there was no level playing field between KANU and the opposition parties prior to the 1992 elections. The creation of such a level playing field through constitutional and other legal reforms became a major goal of Kenya's civil society and opposition parties prior to the 1997 elections. Between 1994 and 1997 the efforts to bring about major reforms were led first and foremost by a politically savvy coalition of various civil society groups. As shown above, Kenya's opposition parties were not in a position to push for significant reforms, since jostling for political advantages and strategies paralyzed and further divided them. In November 1994 the Kenya Human Rights Commission, the Law Society of Kenya and the Kenya section of the International Commission of Jurists joined forces to produce a "Proposal for a Model Constitution". Subsequently they launched "large-scale civic education campaigns via the Citizens Coalition for Constitutional Change (CCCC) to explain the model to the public and to compare it with the existing constitution".¹²² The CCCC grew rapidly and incorporated more than fifty civil society groups and had an estimated 4 million members by the end of 1997. Subsequently a National Convention Planning Committee (NCPC) was formed with the aim to convene a National Constitutional Assembly (NCA). The first of three such NCAs during 1997 took place from 4-6 April and brought together about 600 participants from Kenya's political, social, and economic life. During this meeting agreement was reached in principle on how to

¹²¹ See Ahluwalia 1996: pp. 60-67; Throup / Hornsby 1998: pp. 566-574; Barkan / Ng'ethe 1998: p.42; and Southall 1998: p. 106.

¹²² Kiai 1998: p. 189.

proceed with reforms. Prior to the 1997 elections a minimum agenda of reforms aimed at ensuring free and fair elections should have been implemented and more comprehensive reforms thereafter. “The NCA mandated NCPC which it re-named National Convention Executive Council (NCEC) to be its executive arm to implement these measures”.¹²³ In response to the efforts of the NCEC to bring about reforms, the Moi regime refused to talk to its representatives and embarked on a strategy to divide the until then broad based movement for constitutional and legal reforms that included various opposition politicians besides many different civil society groups. During May, June and July 1997 the NCEC organized a series of unlicensed meetings to push its message of “No reforms, no elections”, which were attended by many people. The Moi-regime responded to these meetings with unprecedented terror and violence.¹²⁴ As a result of increasing donor pressure¹²⁵ Moi agreed to negotiate a reform package with MPs while he continued to refuse to talk to the NCEC. The NCEC responded to the possibility of some sort of compromise being worked out between moderate elements within KANU and opposition MPs with a continuation of its program of mass action, demanded that comprehensive reforms be carried out before and not after the elections and called for the creation of a Constituent Assembly and a parallel government. In an effort to prevent a further escalation of an already very tense situation, members of

¹²³ Murungi 2000: p. 76.

¹²⁴ “For example, at a May 31 rally in Nairobi, as Rev. Njoya led a prayer session, the police used tear gas to disperse the gathered people. In the ensuing *mélée*, riot police and paramilitaries engaged reform supporters in running battles. At the subsequent July 7 (Saba Saba) demonstrations, held in 56 cities and towns, an estimated 20-25 people died (Brown 2000: footnote 51 on page 253).

¹²⁵ In July 1997 the IMF suspended its \$220 million Enhanced Structural Adjustment Facility program. “The World Bank and other bilateral donors followed suit, bringing the total amount in suspended aid to over U.S. \$400 million – more than the total amount of aid suspended in 1991. [...] At the same time, bilateral donors, led by the United States, publicly urged the government to enter into a dialogue with the opposition on the matter of constitutional reform” (Barkan 1998: 218).

Kenya's religious community distanced themselves from the NCEC and formed the Religious Community Mediation Team (RCMT). However, RCMT was unable to facilitate any talks between the government and NCEC representatives, since the former outright refused such talks. As a result of the "radicalization" of NCEC many opposition MPs involved with it left the organization and formed together with other opposition MPs and moderate KANU MPs the Inter-Parties Parliamentary Group (IPPG). By early September 1997 the IPPG had successfully negotiated a package of minimal reforms to clear the way for the upcoming elections. This reform package, which was supported by Moi for tactical reasons, included such measures as "opposition representation on the Electoral Commission, rights to assemble without police permits, curbs on the powers of chiefs, the possibility of a coalition government, and equal access by the opposition to the government-run media".¹²⁶ When deciding to support this reform package Moi hoped that this would take the wind out of the sails of the NCEC and that it would further divide the opposition in supporters of this package and opponents who rejected it as not far reaching enough and consequently would boost his chances of being reelected for another five year term and KANU's chances of holding on to its parliamentary majority in the upcoming elections.¹²⁷

Even so the IPPG reform package was intended to create a more level playing field for the upcoming elections, the elections on 29/30 December 1997 were, like the 1992 elections, dominated by President Moi and KANU. President Moi and KANU benefited from the fact that Moi dissolved the National Assembly abruptly on 10

¹²⁶ Holmquist / Ford 1998: p. 236.

November 1997, “barely one day after the last of the IPPG bills became law”.¹²⁸ As a result, the IPPG agreements could not sufficiently level the electoral playing field. For instance, legal edicts on how to implement the new laws were not in place and even so the Electoral Commission was enlarged to include members of the opposition it had already completed all major tasks for the 1997 elections such as voter registration and the creation of new constituencies.¹²⁹ The fact that the IPPG reforms were fairly minimal and not even fully implemented by the time the elections took place, together with the fact that the opposition was even more divided than in 1992 enabled Moi and KANU once more to emerge victorious from the 1997 elections. Moi was reelected for a final five-year term with 40.12% of the vote, a slightly better result than in 1992 when he had received 36.35% of the vote. Like in 1992 he was the only candidate who received at least 25% in five of Kenya’s eight provinces. Mainly due to the fact that Matiba of FORD-Asili boycotted the elections, Kibaki of the Democratic Party finished second with 31.09% of the vote. Raila Odinga of the National Democratic Party finished third with 10.92% of the vote, Kijana Wamalwa of Ford-Kenya finished fourth with 8.29% of the vote, and Charity Ngilu of the Social Democratic Party finished fifth with 7.71% of the vote.¹³⁰ In the parliamentary elections KANU won 107 seats and all

¹²⁷ See Kiai 1998: pp. 189-192; Ndegwa 1998: pp. 195-197; Barkan 1998: pp. 217-222; Holmquist / Ford 1998: pp. 234-239; Brown 2000: 250-255; Murungi 2000: pp. 72-81; Adar 2000: pp. 123-124; and Schmitz 2001: pp. 160-165.

¹²⁸ Ndegwa 1998: p. 205.

¹²⁹ When the Electoral Commission created 22 new constituencies in 1996 it did not create a single new constituency in the opposition stronghold Nairobi for instance and by doing so did not rectify the already existing malapportionment that favored KANU (see Ndegwa 1998: p. 208).

¹³⁰ The results are taken from *The Weekly Review*, No. 1174, 9 January 1998, p. 20.

the opposition parties together won 103¹³¹ of 210 seats. Compared with 1992 the opposition parties did better in 1997 because its candidates could campaign more freely in all parts of the country as a result of the IPPG-reforms. As the tables in Appendix E and Appendix F show ethnicity basically determined voter's choices as was the case in the 1992 elections. Moi and KANU did well among the Kalenjin in the Rift Valley and among various smaller ethnic groups. Kibaki and DP got most of their support from the Kikuyu in the Central Province, Nairobi and pockets of the Rift Valley as well as the Embu and Meru of the Eastern Province. Odinga and NDP did very well only among the Luo in the province of Nyanza while Wamalwa and Ford-Kenya did very well only among the Luhya of the Western Province. The support of Ngilu and the SDP was mainly limited to the ethnic group of the Kamba in the Eastern Province. While only about 5,000 domestic observers monitored the 1992 elections, the 1997 elections were monitored by more than 28,000 domestic observers who were recruited, trained, and posted to polling stations throughout the country by a coalition of the Catholic Justice and Peace Commission (CJPC), the National Council of Churches of Kenya (NCCK), and the Institute of Education for Democracy (IED). This positive development indicates a willingness of various elements of Kenya's civil society to play a constructive role in the political process, including the constitutional review process.¹³²

¹³¹ DP won 39 seats, NDP won 21 seats, FORD-Kenya won 17 seats, SDP won 15 seats, Safina won five seats, and four smaller parties altogether won six seats.

4.3.4 Constitutional Reform

Successful negotiations of comprehensive constitutional reforms involving all relevant segments of Kenyan society “could lay the foundation for bringing the democratic transition to a successful conclusion”.¹³³ While the IPPG reform package, which was adopted by the National Assembly in November 1997, contained various positive elements such as the recognition that Kenya would remain a multiparty republic and the requirement that the president had to appoint the twelve non-elected members of parliament from all the parties represented on a proportional basis, it left various issues of great importance untouched. For instance, the IPPG reform package did not reduce the immense power of the president. Under the current constitutional framework the president appoints the attorney general and the chief justice without external checks. This greatly diminishes the independence of the judiciary. Furthermore, “the president is literally above the law”.¹³⁴ Section 14 of the current constitution makes it impossible to bring criminal or civil charges against him while in office. There is no mechanism in place by which parliament could question or remove the president from office. Comprehensive constitutional reforms must include measures to strengthen Kenya’s parliament vis-à-vis the president and to increase the independence and efficiency of the judiciary. Significant electoral reforms must be another key component of the ongoing constitutional review process. In 1992 and in 1997 Moi was elected while more voters voted against him than for him, since under the current electoral system a simple majority is sufficient as long as the top vote-getter

¹³² See Peters 1998: pp. 51-55; Ajulu 1998: pp. 275-285; Barkan 1998: pp. 223-225; Steeves 1999: pp. 75-81; and Foeken / Dietz 2000: pp. 141-146.

¹³³ Barkan / Ng’ethe 1998: p. 46.

receives at least 25% in five of Kenya's eight provinces. As a result of reforming the electoral laws the 25% rule should be eliminated, since the population size of Kenya's eight provinces varies greatly. Furthermore, an absolute majority (50%-plus) should be required to elect the president. This would almost certainly result in a run-off election between the two top vote-getters, which in turn would facilitate the formation of inter-ethnic alliances. Regarding the parliamentary elections at the very least the severe malapportionment¹³⁵ of Kenya's electoral districts needs to be rectified so as to ensure that each electoral district contains more or less the same number of registered voters. Furthermore, it should be considered to replace the plurality system with single-member constituencies with a system of proportional representation or a mixed system. This would most likely reduce the saliency of ethnicity in the electoral process. Finally, the issue of decentralization and possibly the creation of a federal framework should be addressed as well in the context of a comprehensive constitutional review.¹³⁶

In contrast to the period after the 1992 elections, the issue of constitutional reform was not put on the back burner for some time after the 1997 elections but was kept pretty much on the front burner by various civil society groups. The IPPG reform package that was adopted prior to the 1997 elections foresaw a comprehensive constitutional reform process after the elections. However, this process got caught in fundamental differences on how to proceed between different stakeholders. On the one

¹³⁴ Brown 2000: p. 381.

¹³⁵ After the 1992 elections an MP from an electoral district with a high number of voters represented seven times more voters than an MP from an electoral district with a low number of voters. The creation of 22 new electoral districts in 1996 failed to address this imbalance (see Ndegwa 1998: pp. 206-208).

¹³⁶ See Muigai 1995: pp. 194-195; Barkan / Ng'ethe 1998: pp. 45-47; Southall 1998: pp. 110-111; and Ndegwa 1998: pp. 202-208.

side there were the KANU hardliners who wanted to make as little concessions as possible and who therefore wanted to control the entire process. To ensure their control over the process they wanted to keep it within the parliament where KANU together with its *de facto* coalition partner NDP enjoyed a solid majority. On the other side there were various civic and religious groups organized in the NCEC who were opposed to a government controlled process and who favored a broad based Constitutional Assembly and a referendum. In 1998 it looked like that a compromise was found when agreement was reached to establish a three-tiered structure¹³⁷ to undertake a comprehensive constitutional review. Regrettably, this agreement was short lived. In May 1999 Moi announced that parliament alone would review Kenya's constitution and on 15 December 1999 the National Assembly created a Select Committee on Constitutional Reform to "collect views from the public and propose amendments to the Constitution of Kenya Review Act".¹³⁸ In response representatives of the NCEC, the LSK, the NCKK and the National Council of NGOs launched a parallel people-driven constitutional review process, which became known as the Ufungamano¹³⁹ Initiative. On 3 November 2000 the chairman of the parliamentary Select Committee, Raila Odinga, revealed the names of the 15 members of the Constitution of Kenya Review Commission (CKRC). Professor Yash Pal Ghai was selected to chair the CKRC. However, he refused to "be sworn in by the president without bringing together the

¹³⁷ Under this structure besides the Constitutional Review Commission two other bodies were to be established. The District Consultative Forum (DCF) was to bring together representatives of Kenya's sixty-five districts, while the National Constitutional Consultative Forum (NCCF) was to bring together a broad range of politically active domestic organizations (See Schmitz 2001: p. 167).

¹³⁸ Murungi 2000: p. 87.

¹³⁹ Ufungamano means "coming together" in Swahili.

parliamentary and Ufungamano groups".¹⁴⁰ By the end of January 2001 Professor Ghai finally took the oath of office after the Ufungamano and the parliamentary group had reached agreement in principle to merge. On 21 March 2001 Ufungamano delegates voted in favor of uniting with the CKRC.¹⁴¹ This move was criticized by Prof. Kibwana of the NCEC, Paul Muite of Safina and Prof. Anyang' Nyong'o of SDP. They feared that CKRC was not sufficiently independent and that KANU and NDP would dominate its work. During the rest of the year 2001 and the first couple of month of the year 2002 the CKRC has been conducting civic education programs throughout the country. In late March 2002 it became clear that the CKRC would not be able to finish its work by the 4 October 2002 deadline. It is not clear yet whether its mandate will have to be extended until December 2002 or June 2003 and whether the upcoming parliamentary and presidential elections will take place before or after Kenya has a new constitution. Before a new constitution is adopted the CKRC will collect the views of the public in all 210 electoral districts. Then a National Constitutional Conference and possibly also a referendum are expected to take place to approve Kenya's new constitution.¹⁴²

4.3.5 Summary

While it initially appeared that FORD might easily win the 1992 elections, this did not materialize. It didn't happen because the party split along ethnic lines into

¹⁴⁰ Holmquist /Oendo 2001: p. 2001.

¹⁴¹ It was agreed upon that as a result of the merger the Parliamentary Select Committee (PSC) would have 15 members in the CKRC and the Ufungamano Initiative would have 12 members.

¹⁴² See Brown 2000: pp. 393-402; Adar 2000: pp. 124-127; Schmitz 2001: pp. 166-169; and Holmquist / Oendo 2001: pp. 203-204. For the part covering 2001 and 2002 also various articles in *The Nation* and the *East African* as well as various articles from wire services have been consulted.

FORD-Asili and FORD-Kenya as a result of personal animosities among its leaders Odinga and Matiba. Except for Safina and SDP, Kenya's parties were mainly formed along the ethnic cleavage and besides ethnicity, there is very little that could be used to distinguish Kenya's main political parties from each other. Ideological and programmatic differences are almost nonexistent. Only SDP was somewhat more left leaning than the other main parties, since it took a more critical position towards economic reform and the role of the World Bank and the IMF. During the electoral campaigns in 1992 and 1997 ethnicity was the most important vehicle to mobilize voters. As a result Kenya's parties developed strong ethnoregional bases of support. Neither the 1992 nor the 1997 elections can be considered to have been free and fair. As has been shown in chapter 4.3.2 the Moi regime severely restricted the ability of the opposition parties to operate freely prior to the 1992 elections. As a result of the IPPG reform package Kenya's opposition parties were able to campaign somewhat more freely during the last six weeks before the 1997 elections. This might also explain to a certain extent why they won more seats in 1997 than in 1992. The role of donors can be best summarized by saying that they "have kept one foot on the accelerator and the other on the break".¹⁴³ While donor pressure had a catalytic effect on the efforts of Kenya's opposition to bring about a return to multiparty politics prior to the 1992 elections and the IPPG reforms prior to the 1997 elections, Kenya's donors also prevented more substantive reforms from taking place. Fearing instability Kenya's donors resumed aid after the 1992 and the 1997 elections, "in spite of the problematic nature of the polls and the government's demonstrably weak commitment to

¹⁴³ Brown 2000: pp. 284/285.

democracy”.¹⁴⁴ By doing so donors undermined the efforts of domestic actors to bring about more substantive changes. Kenya’s vibrant civil society, especially the churches, played a crucial role in bringing about Kenya’s constitutional review process, since the mid 1990s.¹⁴⁵

4.4 Prospects for Democratic Consolidation

The prospects for democratic consolidation in Kenya will depend, among other factors, on the outcome of the ongoing constitutional reform process. A new constitution that reduces the excessive powers of the president and that establishes an electoral system that will facilitate more interethnic coalitions would create a more conducive environment for democratic consolidation. Such an electoral system would make an important contribution towards transforming Kenya’s current zero-sum game of ethnic politics “into a non-zero-sum game that many players can join, guided by a tolerant political culture”.¹⁴⁶ The creation of more interethnic alliances could set in motion a process of decreasing the saliency of the ethnic factor in Kenyan politics and of increasing the likelihood of building more and more winning coalitions based on programs and ideas. Ultimately it could result in a situation in which the choices of voters are no longer mainly determined by the ethnicity of the presidential candidate but by the policies and programs he or she stands for.

¹⁴⁴ Brown, Stephen 2001: p. 735.

¹⁴⁵ See Brown 2000: pp. 281-286 and 402-411; Brown, Stephen 2001: pp. 734-736; and chapters 4.3.1 to 4.3.4 of this thesis.

¹⁴⁶ Barkan / Ng’ethe 1998: p. 45.

The massive civic education campaigns that are being carried out in urban as well as rural Kenya in the context of the ongoing constitutional reform process can be considered as a first step to develop a democratic political culture throughout Kenya. The existence of a large number of civil society organizations with the ability to nurture, articulate and aggregate the pro-democracy public opinion that undoubtedly exists in Kenya also increases the prospects for democratic consolidation. While the involvement of civil society in the democratic process was mainly limited to urban areas during the first half of the 1990s, the heavy involvement¹⁴⁷ of various churches in observing the 1997 elections resulted for the first time in a mobilization of civil society across rural areas. A further positive development regarding the prospects for democratic consolidation is the working together of opposition MPs and civil society representatives in the context of the NCEC and the Ufungamano Initiative on constitutional reform.

Finally, for democratic consolidation to take place, the Kenyan state needs to become less influenced by neopatrimonialism. In a neopatrimonialistic system politics and elections do not revolve around competing ideas and ideologies and “most political parties can be viewed as ethno-regional attempts to gain control of the state and distribute its benefits to their home province and supporters”.¹⁴⁸ This contributes to the instability of opposition parties, since its members are easily co-opted by the ruling party. Decentralization and the development of a stronger private sector could contribute towards reducing the influence of neopatrimonialism on Kenya’s political

¹⁴⁷ The churches provided over four-fifths of the more than 28,000 local election observers.

¹⁴⁸ Brown 2000: p. 411.

system. Various political developments such as the ones described above that took place in Kenya during the last twelve years have increased the prospects for democratic consolidation. However, it will still take many years before Kenya can be called a consolidated democracy.¹⁴⁹

¹⁴⁹ See Barkan / Ng'ethe 1998: pp. 45-47; and Harbeson 1998: pp. 167-180.

CHAPTER 5

MALAWI

The land-locked Republic of Malawi is located in Southeastern Africa and covers a total area of 118, 484 sq km (45, 747 sq miles). Appendix G contains a map of Malawi that shows its three regions as well as major cities and towns. Malawi is Africa's third most densely populated country. According to a 1998 census Malawi has a total population of 9,933,868. 47% of Malawi's population live in the Southern Region, 41% live in the Central Region, and only 12% live in the Northern Region. Malawi is home to various ethnic groups. The Chewa who mainly live in the Central Region are Malawi's largest ethnic group (50.2%). The Lomwe (14.5%) and the Yao (13.8%), who both live in the Southern Region, are Malawi's second and third largest ethnic groups respectively. The Tumbuka (9.1%), who live in the Northern Region, are Malawi's fourth largest ethnic group. The other ethnic groups are all fairly small. Despite its multiethnic character Malawi possesses a considerable ethno-linguistic uniformity. 75% of Malawi's population understand its national language, Chichewa.¹⁵⁰

5.1 Historical Context

The period prior to the onset of political liberalization in Malawi in the early 1990s was dominated by one person, namely the western-trained medical practitioner Dr. Hastings Kamuzu Banda. Banda returned to Malawi, which was then the British

¹⁵⁰ See Decalo 1995: pp. xi-xvi; Kaspin 1995: pp. 598-602; Meinhardt 1997: p. 54; Decalo 1998: pp. 50-56; and Hutcheson 2001: p.590.

Protectorate Nyasaland, on 6 July 1958 after having spent more than 40 years abroad¹⁵¹ following an invitation of several young Malawians around Henry Chipembere to lead the Nyasaland African Congress (NAC). They were looking for an older individual to mobilize the still age-oriented people of the countryside for the struggle for independence. They viewed him basically as an interim “front-man”, and hoped that he “would confine himself to a symbolic role while they wielded real power”.¹⁵² However, things did not quite turn out as they had envisaged, since they gave him too much power. Already his return, when thousands of people turned out to welcome him, indicated that he soon was to become Malawi’s most powerful man for about three decades. In early 1959 the NAC launched a campaign of non-violent civil disobedience to push for self-government and to fight for the right to secede from the Federation of Rhodesia and Nyasaland (FRN), which was formed in 1953 between Northern and Southern Rhodesia as well as Nyasaland. In response, the British colonial administration banned the NAC and imprisoned Banda for more than a year in Southern Rhodesia. While Banda was imprisoned Orton Chirwa and Aleke Banda founded the Malawi Congress Party (MCP) in September 1959 to replace the banned NAC. The MCP had a broad base transcending ethnicity. After Banda was released from prison in April 1960 he was elected head of the MCP and given absolute powers. This enabled him to transform the party into his personal instrument and to make “Unity, Loyalty,

¹⁵¹ He studied in the United States for several years. First, he studied at Wilberforce Academy in Ohio from where he received a BA in History and Politics. Then he studied medicine at Meharry College in Tennessee and at the University of Chicago from where he received an MD. After some further studies at the Royal College of Physicians and Surgeons in Edinburgh he practiced medicine in Liverpool, North Shields, and subsequently in Willesden, North London where he established a successful medical practice. Before returning to Malawi he had practiced medicine in Ghana (Decalo 1998: pp. 59-60; and Mchombo 1998: pp. 22-23).

¹⁵² Cullen 1994: p. 12.

Obedience and Discipline” the sacred tenets of the MCP. In the quest for political unity the use of intimidation against political opponents soon became the rule. In this climate of fear supporters of smaller parties¹⁵³ were “regarded as traitors to the nationalist cause and sell-outs to the British”.¹⁵⁴ Consequently the MCP won a landslide victory in the 1961 elections to the Legislative Council. The MCP received 99% of the vote of the enfranchised Africans. This marked the beginning of *de facto* single-party rule. In February 1963 Nyasaland became self-governing with Banda as Prime Minister. As a result of the climate of fear created by Banda, Malawi’s smaller parties did not dare to nominate any candidates for the pre-independence elections in April 1964. Subsequently, the elections were cancelled, since all MCP candidates would have run unopposed, and all smaller parties were disbanded. Even before Nyasaland became formally independent as Malawi on 6 July 1964 Banda had emerged as an autocratic and dictatorial ruler. His determination to hold on to power and to reject any form of dissent was echoed in a speech he gave at a political rally in Blantyre in May 1964. In this speech he said, “...This kind of thing where the leader says this but somebody else says that: now who is the leader? That is not the Malawi system. The Malawi system, the Malawi style is that Kamuzu says it’s just that, and then it’s finished”.¹⁵⁵

The only serious challenge to Banda’s rule until the early 1990s arose just two months after Malawi’s independence. It came from some of his cabinet ministers who had originally invited him back to Malawi to lead the struggle for independence. They

¹⁵³ The two smaller parties were the United Federal Party and the Christian Liberation Party.

¹⁵⁴ Brown 2000: p. 124.

¹⁵⁵ Quoted after Cullen 1994: p. 13. See also Kalipeni 1992: 33-34; Cullen 1994: pp. 10-13; Posner 1995: pp. 133-134; Decalo 1995: pp. xvii-xix; Decalo 1998: pp. 58-61; Muluji 1999: pp. 68-77; Meinhardt 1999: p. 549; and Brown 2000: pp. 123-124.

seriously disagreed with Banda on various programmatic and ideological issues¹⁵⁶ as well as his leadership style¹⁵⁷. As a result Banda dismissed three Cabinet ministers¹⁵⁸ and one Parliamentary Secretary¹⁵⁹ on 8 September 1964. Subsequently three other Cabinet ministers resigned in protest. During an emergency session of parliament the ex-ministers appealed for support to the people in their constituencies but without success. Consequently, they went into exile to Zambia and Tanzania. As a result of this “cabinet crisis” Banda remained forever suspicious of his Cabinet and turned Malawi into a virtual police state in which any potential opposition was crushed to prevent a similar crisis. In 1966 Malawi’s parliament, which by then had become a mere rubber stamp¹⁶⁰, adopted a Republican Constitution with Banda as President and the MCP as the *de jure* sole party. In 1971 the parliament unanimously changed Malawi’s constitution to make Banda President for Life of the MCP and the country. By then Banda had established total control over the political system. The Preventive Detention Bill of 1964 and the Public Safety Regulations Act of 1965 enabled him to arrest and detain anyone whom he considered a threat to his highly personalistic and

¹⁵⁶ For instance they disagreed with Banda’s policy to maintain friendly relations with South Africa, white ruled Southern Rhodesia and Mozambique, which was still under Portuguese colonial rule. Furthermore they favored a more rapid Africanization of Malawi’s civil service than Banda and they were much more left leaning than the arch-conservative Banda.

¹⁵⁷ There was a significant age difference between Banda and most of his ministers. He frequently referred to them as his “boys” and by-passed them when making decisions.

¹⁵⁸ Orton Chirwa, Minister of Justice and Attorney General; Augustine Bwanausi, Minister of Labor and Social Development; and Kanyama Chiume, Minister of External Affairs.

¹⁵⁹ Rose Chibambo, Parliamentary Secretary to the Ministry of Labor and Social Development.

¹⁶⁰ All MPs were basically hand picked by Banda.

neopatrimonial regime. An independent judiciary did not exist.¹⁶¹ A major tool of Banda's highly repressive regime was the Malawi Young Pioneers (MYP). They acted as its eyes and ears, especially in rural areas, and assured Banda's total control over Malawi's political life right down to the village level. The MYP were directly controlled by Banda and by 1987 this paramilitary force had about 60,000 members. In an effort to further bolster his political dominance, Banda strictly controlled the flow of information. Under the Censorship and Control of Entertainment Bill of 1968 anyone who published "anything likely to undermine the authority of, or public confidence in, the government"¹⁶² could be punished with imprisonment. To implement the Bill the Malawi Censorship Board (MCB) was set up, which had banned 849 books, 100 periodicals and 16 films by 1975. Malawi's two main newspapers "The Daily Times" and "Malawi News" were owned by one of Banda's companies and Malawi's only radio station, the Malawi Broadcasting Cooperation (MBC), was run by the government. Foreign journalists were not allowed to work in Malawi during most of Banda's rule. Finally, freedom of speech and association did not exist and trade unions and other independent organizations of any significance were non-existent¹⁶³ under Banda's autocratic and personal rule that lasted for three decades.¹⁶⁴

¹⁶¹ This is underlined by the following quote of Banda: "No matter what the Judges are saying [I am] in charge here, not the Judges" (quote taken from Decalo 1998: p. 67).

¹⁶² Quoted after Cullen 1994: p. 18.

¹⁶³ Even Malawi's churches came under intense scrutiny and were under constant surveillance.

¹⁶⁴ See Chipeta 1992: p. 3; Kalipeni 1992: pp. 34-36; Cullen 1994: pp. 13-22; Meldrum 1995: pp. 57-59; Venter 1995: pp. 154-156; Meinhardt 1997: pp. 57-77; Decalo 1998: pp. 61-95; Mchombo 1998: pp. 23-28; Muluzi 1999: pp. 81-89; Newell 1999: pp. 203-205; and Brown 2000: pp. 125-128.

5.2 Political Liberalization

Until 1992 opposition to the Banda regime was limited to various exile groups such as the Socialist League of Malawi (LESOMA), the Malawi Freedom Movement (MAFREMO) and the Congress for a Second Republic (CSR) that were set up by exiled politicians and intellectual dissidents. However, they did not pose a serious threat to the Banda regime, since they “had been plagued by mutual suspicion, ethnic rivalry, and inaction, owing to long years of exile, failed armed rebellion, harassment by Malawian security agents and lack of international support”.¹⁶⁵ As a result of the repressive nature of the Banda regime and the climate of fear that it had created throughout the country, significant opposition¹⁶⁶ to the regime did not develop within Malawi until 8 March 1992. On that date eight Roman Catholic bishops issued a pastoral letter entitled “Living Our Faith” in which they *inter alia* condemned Malawi’s poor human rights record and called for democratic reforms and greater political freedoms. Furthermore, they expressed concern about the increasing inequality between the rich and the poor, the spread of corruption, serious flaws within the educational system and cutbacks in the area of health-care.¹⁶⁷ The pastoral letter was read out in all Catholic churches and

¹⁶⁵ Venter 1995: p. 157.

¹⁶⁶ Already in June 1991 representatives of various exile groups, who were inspired by the formation of the Movement for Multiparty Democracy (MMD) in Zambia, formed the United Front for Multiparty Democracy (UFMD) with the aim of bringing together all the forces of democracy inside and outside Malawi. Since November 1991 various anonymous letters and pamphlets critical of Kamuzu Banda, John Tembo and Mama Kadzamira, who were known as Malawi’s leadership triumvirate, were circulating throughout the country. Modern technology such as fax machines and photocopiers were used to get opposition documents of all sorts into Malawi and to distributed them rapidly, anonymously and widely within urban areas.

¹⁶⁷ The entire 12 page letter is reproduced in Cullen 1994: pp. 120-130. An edited version can be found in *Southern Africa Political & Economic Monthly*, Vol. 5, No. 8 (May 1992), pp. 20-22.

16,000 printed copies¹⁶⁸ were distributed. The multiparty elections in Zambia in November 1991, the international support for democracy after the end of the Cold War and the growing realization that issues of justice and human rights were integral to the message of the gospel¹⁶⁹ were among the reasons that prompted Malawi's bishop's to write this letter. Trevor Cullen pointed out that the pastoral letter can be considered "as the turning point and catalyst in Malawi's struggle for democracy" and that it "acted as a decisive breakthrough in dismantling Banda's dictatorship".¹⁷⁰

Galvanized by the pastoral letter, about 100 Malawian opposition activists from around the world met in Zambia's capital, Lusaka, from 20 to 23 March 1992 to discuss strategies for challenging Banda's iron-fisted rule. Subsequently, the Interim Committee for a Democratic Alliance (ICDA) was formed as a pressure group, "whose objectives were to campaign peacefully for the restoration of basic human rights and democracy in Malawi".¹⁷¹ The secretary-general of the Southern Africa Trade Union Coordination Council (SATUCC), Chakufwa Chihana, was elected as ICDA's chairman. When he returned to Malawi on 6 April 1992 to build a broad based movement for democracy inside Malawi, he was detained immediately by the authorities. His refusal to be cowed by the fear of detention encouraged many ordinary Malawians to overcome their fear of the internal security apparatus. Inspired by the criticism of the very low wages paid by

¹⁶⁸ 10,000 in Malawi's main language Chichewa, 5,000 in Tumbuka and 1,000 in English.

¹⁶⁹ Pope John Paul II urged the Malawian bishops to be more concerned with human rights and social issues during a visit to Malawi in 1989. Subsequently, he called them to Rome, irritated by their continued silence. Thereafter they started to draft the pastoral letter (Brown 2000: p. 145-146).

¹⁷⁰ Cullen 1994: p.2. See also Cullen 1994: pp. 5-7 and 35-52; Newell 1995: pp. 246-251; and Muluzi 1999: pp. 137-141.

¹⁷¹ Venter 1995: p. 157.

the government and the business community in the pastoral letter workers at a textile factory in Blantyre started a strike on 6 May 1992, which quickly spread to other parts of the country and included workers in urban as well as rural areas. The expression of political discontent emerged as an important undercurrent of the strikes. On 7 May 1992 over 6,000 people demonstrated in Lilongwe and demanded Chihana's unconditional release and the introduction of a multiparty system. In response, the Banda regime tried to crush the strikes and demonstrations. Police and paramilitary riot squads used tear gas and batons to disperse the crowds. In the ensuing violence many were killed or injured.¹⁷²

While Malawi's Catholic bishops had basically started the process of political liberalization, Malawi's Protestant churches continued it. Soon after the issuing of the Catholic bishops' pastoral letter, the Blantyre Synod and the Livingstonia Synod¹⁷³ of the Church of Central Africa Presbyterian (CCAP) issued a statement in support of the pastoral letter, which had been declared seditious by the Banda regime¹⁷⁴. Their statement was supported by the World Alliance for Reformed Churches (WARC). In August 1992 the Christian Council of Malawi (CCM), which represents various Protestant churches, sent an open letter to the government in which it demanded the holding of a referendum on a multiparty system. On 28 August 1992 the National

¹⁷² See Chipeta 1992: pp. 3-4; Venter 1995: pp. 157-159; Ihonvbere 1997: pp. 228-230; and Newell 1999: 214-216.

¹⁷³ The Central Region's Nkhoma Synod of the CCAP did not support the pastoral letter and instead "continued to work with the MCP and portray Banda as ordained by God. In Dowa, the church excommunicated suspected multiparty sympathizers" (Brown 2000: p. 144, footnote 30). Subsequently, it was expelled from the CCAP and the Christian Council of Malawi (CCM) that represented various Christian churches.

¹⁷⁴ The Banda regime threatened with imprisonment everyone found in possession of the pastoral letter.

Affairs Committee was formed, which was later renamed Public Affairs Committee (PAC), since the Banda regime expressed objections to the use of the term “national”. PAC was a broad based coalition of opposition forces that brought together the CCAP, the CCM, the Catholic church, the Anglican church as well as Malawi’s Muslim Association, Law Society and Chamber of Commerce and Industry. Various opposition politicians were part of PAC as well. PAC “was the very first entirely independent political body to be constituted publicly in Malawi since the imposition of the one-party system in 1966”.¹⁷⁵ In a letter to President Banda the members of PAC stressed the need for new democratic structures and respect for human rights and called for a dialogue with the government on these issues.¹⁷⁶

During 1992 two important political pressure groups emerged that would become political parties in 1993 after Malawi ceased to be a *de jure* one party state. In September 1992 the formation of the Alliance for Democracy (AFORD) with Chakufwa Chihana as its chairman was officially announced. Chihana belongs to the ethnic group of the Tumbuka that live in Malawi’s Northern Region. AFORD had its roots in the northern town of Rumphu and its leading members were mainly northern intellectuals. Many of them had served lengthy prison terms for dissident political activities. AFORD’s support was mainly limited to the Northern Region. “The emergence of AFORD gave impetus to the surfacing [in October 1992] of another previously clandestine opposition group based in the major commercial city of Blantyre in the [Southern Region]. This was the United Democratic Front (UDF), most of whose

¹⁷⁵ Newell 1999: p. 221.

¹⁷⁶ See Cullen 1994: 65-69; Ross 1995: pp. 101-105; Lwanda 1996: pp. 128-129; Meinhardt 1997: p. 170; Muluzi 1999: pp. 143-146; Newell 1999: pp. 220-221; and Brown 2000: pp. 141-142.

members were successful businessmen and former MCP leaders who had fallen out with Banda. The UDF eventually elected Bakili Muluzi, a Yao and a Muslim from the south, as its chairman".¹⁷⁷ In short, the two main political groupings that emerged during 1992 basically reflected the perceived ethnic and regional divisions of Malawi's society.¹⁷⁸

Until 1989 Malawi's bi- and multilateral donors turned a blind eye to the grave human rights abuses that were committed by the Banda regime. In the context of the Cold War, Malawi's donors appreciated its "staunch anti-communist foreign policy and espousal of free market doctrines".¹⁷⁹ However, Malawi's favorable treatment by the international donor community gradually changed in the early 1990s after the Cold War had come to an end and Malawi's strategic importance as a bulwark against communism in Southern Africa ceased to exist. Human rights NGOs such as Amnesty International and Human Rights Watch / Africa Watch played an important role in swaying donors' perceptions of Malawi. For instance, in October 1990 Africa Watch issued a report entitled "Where Silence Rules: The Suppression of Dissent in Malawi", which detailed the systematic suppression of dissent by the Banda regime and in February 1992 Amnesty International issued a report entitled "Malawi: Prison conditions, cruel punishment and detention without trial". In April 1992, Amnesty International informed the European Community (EC) and Malawi's bilateral donors about the attempt by senior MCP officials to kill the bishops who had issued the pastoral letter. During a Consultative Group meeting held in Paris on 11-13 May 1992

¹⁷⁷ Mchombo 1998: pp. 32-33.

¹⁷⁸ See Cullen 1994: pp. 53-58; Venter 1995: pp. 163-164; Posner 1995: pp. 138-139; Muluzi 1999: pp. 141-143; and Newell 1999: pp. 221-222.

Malawi's government requested nearly \$800 million in balance-of-payments support. However, "the donors not only refused to renew such support, but also suspended new aid [in the amount of \$74 million] until significant political reform had been implemented".¹⁸⁰

As a result of Malawi's high dependency on foreign aid¹⁸¹, the suspension of non-humanitarian aid had a very negative impact on Malawi's economy and Banda realized that without external support his regime would not be able to survive. Therefore, he made some concessions in October 1992. On 3 October 1992 Banda established the Presidential Committee on Dialogue (PCD). Comprised mainly of MCP members, the PCD was to engage in a dialogue with the various opposition groups organized in the Public Affairs Committee (PAC). On 18 October 1992 Banda announced that "a referendum would be held to decide whether the people wanted to retain the one – party state or embrace a multiparty democracy".¹⁸² In doing so he hoped to legitimize the one-party rule of the MCP. The negotiations about the modalities of the referendum took place between PCD and PAC. The Banda regime tried to influence the referendum process in its favor by announcing a fairly early date (15 March 1993) for the referendum, which would have given the opposition very little time to campaign, and by proposing the use of two separate ballot boxes, one for votes for and one for votes against the multiparty system. The opposition threatened to boycott the

¹⁷⁹ Cullen 1994: p. 62.

¹⁸⁰ Brown 2000: p. 165. See also Cullen 1994: pp. 62-64; Venter 1995: pp. 159-161; Meinhardt 1997: pp. 84-86; and Brown 2000: pp. 160-171.

¹⁸¹ In 1992 foreign aid amounted to 31.5% of Malawi's Gross National Product (GNP) which was almost triple the Sub-Saharan African average of 11.1%.

¹⁸² Quoted after Mchombo 1998: p. 33.

referendum, if it was not held at a later date and if two separate ballot boxes would be used. As a result of pressure from the United Nations (UN), which was involved in the preparations, Banda finally agreed to postpone the referendum to 14 June 1993 and to use only one ballot box and two different ballot papers. While making these concessions the Banda regime still undertook various measures¹⁸³ to try to ensure that a majority of the voters would favor the continuation of the one-party system. However, when the referendum took place on 14 June 1993 63.2% of the voters favored the introduction of a multiparty system, while 34.5% of the voters favored the continuation of the one-party system. 2.3% of the votes were invalid. The table in Appendix H and the figure in Appendix I show clearly that voting took place along ethnoregional lines. The Northern and the Southern Region, which are home to the Tumbuka and Yao ethnic groups respectively, voted overwhelmingly for the introduction of the multiparty system while the Central Region, which is home to the Chewa, Banda's ethnic group, favored the continuation of the one-party system.¹⁸⁴ On 29 June 1993 Malawi's parliament repealed Article 4 of the Constitution clearing the way for the introduction of a multiparty system.¹⁸⁵

Malawi's churches played a leading role in the political liberalization process.

The pastoral letter of 8 March 1992 was the first public criticism of the Banda regime in

¹⁸³ Permissions for rallies of supporters of a multiparty system were frequently denied by the police. When they took place they were often disturbed by the Malawi Young Pioneers. Supporters of a multiparty system were intimidated and the state controlled media called openly for the continuation of the one-party system.

¹⁸⁴ The very low support for the multiparty system in the electoral districts of Dedza and Dowa is at least partly due to the massive intimidation of voters by the MCP and the MYP who in some cases prevented voters from voting for the multiparty system. There have also been reports of instances where plantation workers were threatened with salary cuts or even the loss of their job if they voted for the multiparty system.

¹⁸⁵ See Cullen 1994: pp. 70-80; Venter 1995: pp. 164-167; and Meinhardt 1997: 185-201.

more than two decades. Encouraged by the issues addressed in the letter and the return to Malawi of the opposition politician Chihana, thousands of workers defied the ban on strikes and took to the streets demanding higher wages, better working conditions and ultimately also political reforms. However, these politically motivated strikes were undertaken on an ad hoc basis, since independent trade unions did not exist in the highly authoritarian and repressive Banda regime. The highly repressive character of the regime made it impossible for an independent civil society to develop. Therefore, only external actors were able to force the Banda regime to embark on political liberalization. Only after the Pope encouraged the Catholic bishops to be more critical towards the Banda regime they wrote the pastoral letter. The Protestant churches were encouraged by the World Alliance of Reformed Churches (WARC) to support the pastoral letter and the Public Affairs Committee (PAC) sought the assistance of the Council of Churches for Britain and Ireland (CCBI), since it felt ill-prepared for the 1993 referendum. While the churches existed all along they were only willing to criticize the regime after they were encouraged by international actors to do so. Independent trade unions and professional association did not exist at all until 1992. Since an independent civil society was basically non-existent as a result of the highly repressive Banda regime, only the suspension of aid by the donors could force the highly aid depend regime to embark on political liberalization.¹⁸⁶

¹⁸⁶ See Cullen 1994: p. 74; and Pindani 1999: p. 67.

5.3 Democratic Transition / Democratization

In chapter 5.3 the democratic transition / democratization in Malawi will be analyzed. First, the formation of major opposition parties will be analyzed. Second, the legal and constitutional changes / reforms that took place prior to the 1994 elections will be examined. Third, the role of the military will be explored. Fourth, Malawi's first multiparty elections on 19 May 1994 will be examined and their results will be analyzed. Fifth, the activities of the Muluzi government after the elections and the second multiparty elections on 15 June 1999 will be considered.

5.3.1 The Formation of Opposition Parties

After the 1993 referendum the two main pressure groups AFORD and UDF that had emerged in the early 1990s transformed themselves into political parties. AFORD portrayed itself as an intellectual party and a party with a clean record, since most of its leading members did not hold any posts in the Banda regime. Therefore its leader, Chakufwa Chihana, hoped that returning exiles would join AFORD. However, they preferred to form their own parties.¹⁸⁷ As a result of Chihana's fairly authoritarian leadership style, AFORD experienced numerous leadership quarrels, which hampered its ability to establish a coherent leadership and to establish an efficient party structure, especially outside the Northern Region. The party made various unsuccessful attempts to recruit people who were not from the north. As a result AFORD received very little support in the Central and Southern regions in the 1994 elections. In contrast to AFORD, many of UDF's senior officials, including its leader Bakili Muluzi, were

senior MCP officials until they were expelled from the party or fell out with Banda and left. During the electoral campaign AFORD tried to take advantage of that by calling the UDF “MCP-B”. The markedly different past of their party leadership led to an increasing polarization between the two parties prior to the 1994 elections and made a merger between the two parties next to impossible. While UDF’s main support basis was in the Southern Region, it was somewhat more successful than AFORD in mobilizing support in the other two regions partly due to the fact that it had more money at its disposal, since many of its supporters were successful businessmen that were excluded from the ruling MCP elite. Programmatically there was little difference between AFORD and UDF. For instance, both supported the continuation of the structural adjustment programs started by Banda. In the case of AFORD this was somewhat surprising given the trade-unionist background of its leader Chihana. Not only did Chihana support SAPs he also “refused to ‘address social and economic issues’ and this affected his ability to build a broad national base”.¹⁸⁸

5.3.2 Legal and Constitutional Changes / Reforms

After the 1993 referendum various opposition leaders initially called for the resignation of Banda and the formation of an interim government. However, Banda insisted on remaining president until the elections. Subsequently, in August 1993 during a meeting of representatives of the Public Affairs Committee (PAC) and the Presidential Committee on Dialogue (PCD) it was agreed to form the National Consultative Council

¹⁸⁷ Among the parties formed by returning exiles were the United Front for Multiparty Democracy (UFMD), the Malawi Democratic Union (MDU), the Congress for the Second Republic of Malawi (CSR) and the Malawi Democratic Party (MDP).

(NCC). The NCC was composed of seven representatives each of Malawi's registered political parties including the smaller ones. Civil society organizations like the churches were not part of the NCC. The NCC was to formulate policy and legislative measures for the transitional period and the holding of the multiparty elections. It was also mandated to draft a new constitution. The NCC formed a number of sub-committees that dealt with various issues such as new electoral laws and procedures, constituency boundaries and the drafting of a new constitution before the elections. As a result of the formation of the NCC the broader based PAC declined in importance, which made it much more difficult for Malawi's emerging civil society to influence the course of the democratization process. In November 1993 Malawi's still largely rubber-stamp legislature met to repeal various oppressive laws such as the one enabling the government to detain someone without trial. Furthermore the provision making Banda President for Life was deleted. In December 1993 Banda appointed representatives of all political parties to an independent Electoral Commission, which was bound to follow the recommendations of the NCC. For instance, the NCC recommended to increase the number of seats in parliament so as to more accurately reflect population densities.¹⁸⁹ In February 1994 the NCC convened a constitutional drafting conference in Blantyre. During the following ten weeks the members of the NCC drafted an interim

¹⁸⁸ Ihonvbere 1997: p. 234. See also wa Mutua 1994: p. 50; van Donge 1995a: pp. 243-249; Meinhardt 1997: pp. 202-212; and Brown 2000: pp. 334-338.

¹⁸⁹ "Early in February 1994, members of the [Electoral] Commission toured the country to examine the existing boundaries and numbers of constituencies. In undertaking their examination, the Commissioners weighed the importance of population distribution, geographical features, means of communication and administrative boundaries, etc. Taking all these factors into account, the Commission created 36 more constituencies, increasing the total number from 141 to 177 [33 in the Northern Region and 68 and 76 in the Central and Southern Regions respectively]" (Commonwealth Secretariat 1994: p. 11).

constitution¹⁹⁰. Since the constitution was to be adopted before the elections on 17 May 1994, its drafting “was hurried, not particularly open and dominated by the various political parties, not independent constitutional experts or civic organizations”.¹⁹¹ Furthermore, issues related to constitutional reform were hardly addressed by the political parties in their campaigns prior to the 1994 elections. While the new constitution was a significant improvement compared with the old one, it was not as radical a departure from the old one as it could have been if the drafting process had not been dominated by politicians. Most of the politicians in the NCC wanted to make modest rather than substantive changes, such as the introduction of a system of proportional representation or a significant reduction of presidential powers, since this was not in their interest.¹⁹²

5.3.3 The Role of the Military

Under the Banda regime considerable tensions developed between the police and the paramilitary Malawi Young Pioneers (MYP) on the one hand and the military on the other hand. Especially after 1983 when the military blocked Banda’s attempt to appoint his close confidant John Tembo to the position of interim vice president. Thereafter Tembo made every effort possible to expand the MYP and the police with the aim of creating an alternative military force to rival the military. This made the military very suspicious of the MYP and the police, which were used by Banda and Tembo to carry out repressive measures. In contrast to the MYP and the police, the

¹⁹⁰ A constitutional committee of the new multiparty parliament was to finalize the interim constitution.

¹⁹¹ Brown 2000: p. 289.

military was not used by Banda to carry out repressive measures against his opponents. Consequently, it managed to stay outside politics, retained a high degree of professionalism and was fairly free of corruption. Besides the churches Malawi's military was the only national institution that operated to a large extent independently from the Malawi Congress Party (MCP). This enabled the military to play a constructive role during the democratization process. In March 1992 when students protested in Zomba "junior army officers stationed nearby offered the students encouragement and protected them from police violence [...]. The following month, senior and middle-ranking army officials met with the president and made clear that they would not be used for MCP partisan purposes and repress Malawians calling for multipartyism".¹⁹³ In September 1993 the Banda regime and the NCC agreed to disarm the MYP, which was under the direct control of Tembo. Once it became clear that Tembo was not willing to honor this agreement, junior military officers launched "Operation Bwezani" in early December 1993 after two unarmed soldiers were killed by the MYP. In this operation soldiers attacked and destroyed MYP offices all over the country and seized large caches of weapons. By doing so the junior military officers made clear that they felt more loyal to the NCC than the government and that they were not willing to allow the MYP and the police to block the democratization process. The dismantling of the MYP that functioned as the military wing of the MCP also ensured that there was somewhat more of a level playing field prior to the 1994 elections.¹⁹⁴

¹⁹² See Ng'Ong'Ola 1996: pp. 98-104; Lwanda 1996: pp. 190-197; Meinhardt 1997: pp. 267-268; Banda 1998: pp. 321-324; and Brown 2000: pp. 182-184 and pp. 289-291.

¹⁹³ Brown 2000: p. 156.

¹⁹⁴ See Meinhardt 1997: pp. 243-244; Mchombo 1998: pp. 35-36; Decalo 1998: pp. 86-91; Newell 1999: pp. 216-218; Muluzi 1999: pp. 172-174; and Brown 2000: pp. 156 and 186-189.

5.3.4 The 1994 Elections

While the dismantling of the MYP by the military deprived the Banda regime and the MCP of a tool they would most likely have used to boost their chances at winning in the upcoming elections, they still had other means at their disposal to influence the outcome of the elections in their favor. The main strategy of the MCP was to bolster its power base in the Central Region and to hope that, with the opposition vote split between the Northern and the Southern Region, it could hold on to power like Moi had done in Kenya in December 1992. MCP officials actually sought the advise of six KANU 'strategists' "who had come to Malawi posing as election monitors".¹⁹⁵ Consequently it was mainly in the Central Region where the Banda regime used the police and members of the Nyau secret cult to intimidate opposition supporters and to prevent or disrupt their campaigns. By and large the government owned radio station, MBC, complied with the guidelines¹⁹⁶ for media coverage that were issued by the independent Electoral Commission. The MBC played an important role in disseminating various kinds information about the upcoming elections.¹⁹⁷ However, despite the watchful eye of the Electoral Commission there was still a certain tendency of MBC to give more attention to the MCP and its presidential candidate Banda. For instance, on 14 May 1994, when the celebrations of Banda's birthday took place in

¹⁹⁵ Ihonvbere 1997: p. 235.

¹⁹⁶ The purpose of these guidelines was "to ensure that full and fair coverage is given without censorship, to the campaigns of all registered political parties during the period of campaigning and up to the close of the poll in the parliamentary and presidential elections" (quoted after Commonwealth Secretariat 1994: p. 14).

¹⁹⁷ For instance, MBC organized phone-in programs on which members of the Electoral Commission answered questions about the electoral process. MBC also produced programs like "Campaign News" and "Know Your Candidate" which featured candidates from all the contesting parties.

Blantyre, MBC devoted much airtime to this event, while a large UDF rally on the same day received no coverage. As already mentioned above the electoral campaign of the main parties MCP, UDF and AFORD focused on personalities rather than on issues.¹⁹⁸ The only exception was UDF's promise to provide free and universal primary education if it won the elections. Convinced that he could win on his own AFORD's presidential candidate Chihana ignored various public calls to work with the UDF to topple the Banda regime. For instance, in the parliamentary elections three-quarters of Malawi's 177 constituencies were three-way contests, since neither AFORD nor UDF was willing not to nominate a candidate in favor of the other party. This raised the specter of a Kenyan-type scenario in the upcoming elections. However, as a result of the strong influence of regionalism on Malawian politics this did not happen.¹⁹⁹

Malawi's first multiparty presidential and parliamentary elections since independence took place on 17 May 1994. The presidential candidate of the UDF, Bakili Muluzi, emerged as the winner of the presidential elections with 1,404, 754 votes (47.16 %). The presidential candidate of the MCP, Dr. Hastings Kamuzu Banda, came in second with 996,363 votes (33.45%); while the presidential candidate of AFORD, Chakufwa Chihana, finished a distant third with 552, 862 votes (18.90%).²⁰⁰ The electoral participation was fairly high with 80.5% of all registered voters and 68% of

¹⁹⁸ Venter and Ihonvbere pointed out that the poorly focused, opportunistic and superficial campaigns of AFORD and UDF discouraged and frustrated many Malawians. As a consequence only 3.8 million voters registered for the 1994 elections compared with 4.7 million for the 1993 referendum (See Venter 1995: p. 176; and Ihonvbere 1997: p. 236). For a comparison of the 1994 election manifestos of MCP, UDF and AFORD see Kaunda 1998: pp. 59-61.

¹⁹⁹ See Commonwealth Secretariat 1994: pp. 14-20; Venter 1995: pp. 171-177; Ihonvbere 1997: pp. 231-236; and Patel 2000: pp. 174-175.

²⁰⁰ The presidential candidate of the Malawi Democratic Party (MDP), Kamlepo Kalua, mustered a paltry 15, 624 votes (0.52%).

eligible voters. The table in Appendix J and the figures in Appendices K-M show quite clearly that voting took place mainly along regional lines²⁰¹ with the Northern Region voting overwhelmingly for Chihana, the Central Region for Banda and the Southern Region for Muluzi. The fact that the Southern Region is Malawi's most populous region ensured that the UDF candidate emerged victorious. While ethnicity is of some relevance as well, regionalism plays a much more important role as a source of identity than ethnicity in Malawi. For instance, Chihana's support from his own ethnic group, the Tumbuka, only accounts for two of the five districts he won and Muluzi's support from his ethnic group, the Yao, only accounts for three of the ten districts he won. Furthermore non-Tumbuka and non-Yao ethnic groups supported different opposition candidates depending in which region they lived. However, ethnicity can be used to explain Banda's strong support among especially the rural voters in the Central Region who belong to Banda's own ethnic group the Chewa. Muluzi's UDF also managed to win the largest number of seats in Malawi's parliament with 85 out of 177. However, it did not achieve an absolute majority of the seats. Banda's MCP received 56 seats and Chihana's AFORD 36 seats. The tables in Appendices N and O and the figures in Appendices P-R show that regionalism also determined voters' preferences in the parliamentary elections. AFORD won all of the 33 seats of the Northern Region, UDF won all but five of the 76 seats of the Southern Region and MCP won 51 of the 68 seats of the Central Region.²⁰²

²⁰¹ Deborah Kaspin pointed out that while voting took place mainly along regional lines, there have been variations intra-regionally and intra-ethnically (See Kaspin 1995: p. 612).

5.3.5 The 1999 Elections

Since UDF did not receive a parliamentary majority in the 1994 elections, it tried to form a coalition with AFORD. However, AFORD's leader, Chihana, initially declined to form such a coalition, since President Muluzi was unwilling to meet his demand for an executive vice-presidency and eight ministries. To strengthen his bargaining power towards Muluzi, Chihana signed a "Memorandum of Common Understanding" with the MCP on 20 June 1994. Many AFORD supporters were shocked by this move by Chihana, which underlined his aversion to consultative decision-making and his hunger for power. The formation of this opportunistic alliance rejuvenated the MCP, which in turn helped AFORD to overcome its financial difficulties. However the AFORD/MCP alliance did not last very long, since it was disliked by certain elements within both parties for different reasons. On 26 September 1994 Muluzi appointed Chihana as second Vice President and offered AFORD four cabinet positions by further increasing his already bloated cabinet to 35 in an effort to break the governmental paralysis that resulted from the MCP/AFORD control of parliament. The resulting AFORD/UDF coalition government provided Muluzi with a stable majority in parliament to carry out his legislative agenda. In June 1996 Chihana pulled his party out of the coalition government and courted the MCP once more while accusing the UDF of massive corruption, nepotism and bribery. However, the AFORD ministers remained with the government assuring Muluzi a parliamentary majority. AFORD demanded that by-elections be held claiming that the AFORD ministers had

²⁰² Chirwa 1994: pp. 17-20; Venter 1995: p. 177; Kaspin 1995: pp. 611-620; Kalipeni 1997: pp. 152-167; Meinhardt 1997: pp. 274-294; Chirwa 1998: pp. 65-69; Reynolds 1999: pp. 147-149; and Brown 2000: pp. 320-334.

crossed the floor to UDF. In response to Muluzi's refusal to hold by-elections, AFORD and MCP "accused Muluzi of poaching their members and manipulating parliament in order to preserve his majority"²⁰³ and boycotted the parliament for about 10 months. In April 1997 the impasse was broken with the help of the Catholic church and the MCP and AFORD MPs returned to parliament and formed once more a parliamentary alliance.²⁰⁴

Right before the 1994 elections parliament adopted Malawi's new constitution on an interim basis with the provision that it had to be finalized within a year's time. In February 1995 a constitutional review conference took place, which was attended by 274 delegates from political parties and different institutions of civil society such as the churches, trade unions and Malawi's law society. Many of the delegates were not very well prepared and there was hardly any input from the rural population prior to the conference. Furthermore, since the decisions of the conference were not binding, the final decisions regarding Malawi's new constitution were made by parliament. The UDF/AFORD coalition ignored the conference decisions, which it did not agree with such as the abolition of the position of a second vice president, which was created to convince Chihana to join the government. On 10 May 1995 parliament adopted Malawi's new constitution, which was not much different from the interim constitution. In sum, the process of drafting Malawi's new constitution was dominated by political

²⁰³ Rake 2001: p. 316.

²⁰⁴ See Venter 1995: pp. 178-180; Banda 1998: pp. 61-62; Brown 2000: pp. 339-342; and Rake 2001: p. 315-316.

parties with little input by civil society. "The constitution thus lacks popular legitimacy, especially in a society with virtually no experience in democracy".²⁰⁵

While the Muluzi government tried to bring about a break with the past right after the 1994 elections, which was evident in the closing of three prisons that were notorious for human rights abuses under Banda, the establishment of a truth commission and the introduction of free primary education, over time its commitment to democratic principles such as the rule of law and its respect for the constitution eroded significantly. Between 1995 and the 1999 elections the Muluzi government undertook various measures to increase its executive powers. For instance, in December 1995 all local government bodies were dissolved. Even so the new constitution required the government to hold local elections in 1995, they were repeatedly postponed while the central government controlled Malawi's 27 districts. Like in this case, the executive frequently ignored constitutional and legal obligations that did not suit it. Furthermore, the Muluzi government has been slow in establishing new institutions such as the Law Commission, the Human Rights Commission and the Office of the Ombudsman as mandated by the constitution. Once established they were often inefficient and biased towards the ruling party.²⁰⁶

Prior to the elections on 15 June 1999 the Muluzi government undertook various measures to improve its chances at winning especially after MCP and AFORD agreed to present a joint presidential ticket, which posed a serious threat to Muluzi and his UDF. In July 1998 Muluzi appointed an entirely new Electoral Commission. While the

²⁰⁵ Brown 2000: p. 290. See also Meinhardt 1997: 352-354.

²⁰⁶ See Brown 2000: pp. 303-314.

Commission also included members from the opposition parties, its chairman, Justice William Hanjahanja, was leaning strongly towards the UDF. In January 1999 the Electoral Commission proposed to the National Assembly to create 70 new parliamentary constituencies, of which 42 (or 60%) were in the UDF dominated Southern Region. As a result of fierce protests from the opposition parties and international donors a compromise was reached whereby only 16 new constituencies were created (5 in the Central Region and 11 in the Southern Region). Also the voter registration process was biased towards the UDF at least in its initial stages, “with registration proving far more difficult in the Northern and Central Regions than in the Southern Region”.²⁰⁷ Again, only after combined pressure by the opposition parties, local NGOs, and international donors was brought to bear on the Electoral Commission it agreed to extend the voter registration period by two weeks. The Electoral Commission also tried to block the joint ticket of the opposition parties in the presidential election under which Gwanda Chakuamba of the MCP would stand for president and Chakufwa Chihana of AFORD for vice-president. However, Malawi’s High Court ruled that the joint ticket was legitimate. During the campaign the Muluzi government heavily utilized government finances and state property for party purposes. For instance, government four-wheel drive vehicles “were extensively used by UDF candidates, giving them a significant advantage in moving around the vast sprawling rural constituencies. When addressing rallies, candidates are expected to provide cash and gifts to local dignitaries and community projects; UDF candidates were best able to

²⁰⁷ Wiseman 2000: p. 639.

meet such expectations generously”.²⁰⁸ Finally, despite calls from Malawi’s Roman Catholic bishops, Malawian NGO’s and the international donor community to provide fair access to radio broadcasting for all parties, the Muluzi government unrepentantly manipulated the Malawi Broadcasting Cooperation (MBC) for its purposes throughout the campaign, which led some observers to call it the Muluzi Broadcasting Cooperation. Less than a week before the elections Malawi’s High Court ruled that MBC’s coverage of the campaign did not comply with its duty to be impartial, however, coming that late the ruling made little difference.²⁰⁹

The 15 June 1999 elections in Malawi saw an extremely high turnout with over 92% of registered voters. Muluzi won the presidential race with 2,442,685 votes (51.37%), while his challenger Chakuamba received 2,106,790 votes (44.30%). “In the parliamentary elections Muluzi’s UDF increased its seats in the new parliament from 84 to 92 while the MCP won 66 seats and AFORD 29 giving the opposition alliance 95 seats, a theoretical majority in the legislature. There were also four independent candidates”.²¹⁰ Nationally, the voting patterns in 1999 were quite similar to those in 1994 as is evident from the tables in Appendices S and T. In the presidential elections Muluzi dominated the Southern Region where he gained 78.3% of the vote while Chakuamba dominated in the Northern and Central Regions where he gained 88.6% and 62.4% respectively. In the parliamentary elections “each of the three major parties dominated one region but elsewhere enjoyed limited support except in a few specific

²⁰⁸ Wiseman 2000: p. 642.

²⁰⁹ See Wiseman 2000: pp. 638-642; Patel 2000a: pp. 175-181; Patel 2000b: pp. 25-38; Kadzamira 2000: p. 58; and *Africa Confidential*, Vol. 40, No. 13, p. 6.

²¹⁰ Rake 2001: p. 316.

areas”.²¹¹ While sporadic violence did occur during the campaign as well, it was nothing compared with the violence that erupted after the results were announced on 18 June 1999. Opposition leaders declared that they would not recognize Muluzi’s victory and accused him of cheating. This provoked serious violence especially in the Northern Region, where party-related religious tensions erupted as a result of which seventeen mosques were burned, since Muluzi is a Muslim. Due to the efforts of the churches and various individuals the situation was soon contained. Subsequently the opposition tried to challenge the election results unsuccessfully in Malawi’s High Court.²¹²

5.3.6 Summary

Julius Ihonvbere pointed out that the humiliation of the Banda regime in the 1993 referendum contributed significantly to its willingness to make concessions to the opposition prior to the 1994 elections.²¹³ Furthermore, Malawi’s high degree of aid dependability also limited the ability of the Banda regime to take measures aimed at ensuring it would win the 1994 elections. Such measures would have been unacceptable to Malawi’s donors and would have further delayed the resumption of aid, which was critical for the functioning of Malawi’s economy. Therefore, the Banda regime went along with the recommendations of the National Consultative Council (NCC) by and large. For instance, it established a fairly independent Electoral Commission, which was able to ensure that the Malawi Broadcasting Corporation more or less complied with its

²¹¹ Wiseman 2000: p. 645.

²¹² See Meinhardt 1999b: pp. 8 and 10-11; Wiseman 2000: pp. 642-645; Patel 2000b: pp. 40-45; and Brown, Richard 2001: p. 593.

guidelines for media coverage during the campaign for the 1994 elections. Also the military played an important role in leveling the playing field prior to the 1994 elections when it disarmed the paramilitary Malawi Young Pioneers (MYP). This deprived the MCP of an important tool to intimidate the opposition throughout the country. As a result the intimidation of the opposition was mainly limited to MCP's stronghold, the Central Region. The formation of the two main opposition parties mainly along regional lines jeopardized the ability of the opposition to win the 1994 elections somewhat. However, due to the fact that the Southern Region, which is UDF's stronghold, is also Malawi's most populous region Muluzi replaced Banda as Malawi's president as a result of the 1994 elections, which were considered free and fair by various international observers. While Malawi adopted a new interim constitution in 1994 and finalized it in 1995, the drafting process was dominated by the three main political parties without much influence by civil society. This also explains why the new constitution was not as radical a departure from the old one, especially regarding the presidential powers, as it could have been, if the drafting process would have been broader based. Even so the Muluzi government initially undertook some measures to bring about a break with the past, its tendency to ignore constitutional and legal provisions that were not in its interests and its attempts to influence the 1999 elections in its favor call into question its commitment to basic democratic principles and don't increase the prospects for democratic consolidation.²¹⁴

²¹³ See Ihonvbere 1997: p. 234.

²¹⁴ See chapters 5.3.1 to 5.3.5 of this thesis.

5.4 Prospects for Democratic Consolidation

So far democracy has more or less survived in Malawi, however the process of democratic consolidation has not yet started. The relative independence of Malawi's judiciary has contributed to the survival of democracy in Malawi. The judiciary, especially Malawi's High Court, is highly professional and hardly politicized. This is evident by the fact that "High Court decisions have repudiated presidential orders dismissing municipal officials, nullified executive efforts to handpick traditional authorities, and even given jail terms to governing party municipal officials who have ignored court injunctions".²¹⁵ The High Court also played an important role in leveling the playing field prior to the 1999 elections. For instance, it ruled that the MCP/AFORD joint ticket was legitimate and it ruled that MBC's coverage of the campaign did not comply with its duty to be impartial. The relative independence of Malawi's judiciary enabled the opposition to address its grievances within and not outside (i.e. through violence) the political system. This ensured political stability and played a major role in ensuring democratic survival so far. If the independence of Malawi's judiciary continues, this will undoubtedly increase the prospects for democratic consolidation in Malawi.²¹⁶

As a result of the highly authoritarian Banda regime it was impossible for an independent and vibrant civil society to emerge until the early 1990's. This is evident by the fact that the Catholic bishops only wrote their pastoral letter in March 1992 after they had been encouraged to do so by the Pope. Throughout the 1990s Malawi's

²¹⁵ von Doepp 2001: p. 232.

²¹⁶ See von Doepp 2001: pp. 235-237.

churches kept a fairly high political profile. For instance, they conducted various civic education campaigns and they criticized the Muluzi government on various occasions. By doing so they contributed to the survival of democracy in Malawi. Except for the churches, Malawi's civil society is still rather weak and its organizations have little or no presence outside major urban areas. Furthermore, Malawi's NGO's often have only a rather small financial and human resource base. In other words they are little more than "briefcase" NGOs. Malawi's civil society needs to be strengthened through sustained donor support and the building of networks with NGO's in other countries to increase the prospects for democratic consolidation in Malawi. Only then they will be able to make an important contribution to the establishment of a democratic political culture, which is one of the building blocs of consolidated democracies.²¹⁷

During the 1990's a fairly stable party system emerged in Malawi consisting of three parties (AFORD, MCP and UDF). Their political support is mainly determined by regionalism while ethnicity plays only a minor role. There are hardly any ideological or policy differences between them which explains why their support is mainly based on regionalism and on personalities. To overcome the regional fragmentation of Malawian politics the political parties must find ways to appeal to voters in regions of the country where they had little influence / following in the past. This could be best achieved by developing clear ideologies / policies that would attract the votes of different groups of Malawian society such as peasants, the business community, workers, women and youth on a national basis. Clear policies / programmes could be developed in areas such as land reforms, social and economic issues, the protection of the environment and

²¹⁷ See Ott 2000: pp. 154-155; Chirwa 2000: pp. 116; Brown 2000: p. 351; and von Doepp 2001: p. 233.

foreign relations. Besides developing clear ideologies / policies Malawi's parties also need to develop democratic decision making structures within themselves. Currently a process is under way in Malawi that most likely will lead to the emergence of new political parties prior to the 2004 elections. MCP is divided into two factions. One is lead by John Tembo and the other by Gwanda Chakuamba. As a result of Chihana's autocratic leadership style AFORD could split as well. Finally, the former UDF Education Minister Brown Mpinganjira formed an opposition pressure group called the National Democratic Alliance (NDA) in 2001, which most likely will be transformed into a political party as well. These new political parties are basically emerging as a result of personal animosities and not as a result of significant ideological / policy differences. This does not augur too well for the prospects of democratic consolidation in Malawi.²¹⁸

As explained above respect for the rule of law and the constitution are not among the corner stones of the Muluzi government. Malawi's current constitution only allows the same president to be in office for two consecutive terms. However, rather than stepping down after his current term ends in 2004, Muluzi is considering to amend the constitution so as to be able to run for a third term. There are basically two options to do this. Either a referendum and a simple majority in the National Assembly or no referendum and a two-thirds majority in the National Assembly. Muluzi seems to have managed to lure enough opposition MPs into his camp to have a two-thirds majority and thus does not have to bring this issue before the people in a referendum, which would

²¹⁸ See Phiri 2000: pp. 84-85; Patel 2000b: 45-50; Brown 2000: pp. 375-377; and Economist Intelligence Unit, *Malawi Country Report*, March 2002, pp. 1-2.

be the more democratic option.²¹⁹ Church leaders, prominent lawyers and university students are against such a constitutional amendment. They now view Muluzi who was once revered as a national hero as the biggest threat to Malawi's fledgling democracy. In response to criticism of his third term ambitions he banned all demonstrations on this issue in May 2002 saying he feared they might degenerate into street fights.²²⁰

Since in power the Muluzi government has failed to make any progress in reducing poverty and the gap between rich and poor has widened. In 2001 Malawian officials sold the country's 167,000-ton emergency grain reserve and have not accounted for the proceeds. This further aggravated the negative impact of one of the worst droughts ever, which the country is currently experiencing. In rural Malawi many people are so desperate for food that they have no other option than eating the roots of banana trees, tree stems and wild leaves, which have little nutritional value. This underpins very clearly that without significant progress in reducing the appalling poverty of many Malawians democratic consolidation will continue to remain a very remote possibility.²²¹

²¹⁹ On 4 July 2002 Malawi's National Assembly narrowly rejected a constitutional amendment bill that would have enabled Muluzi to stand for a third term. 128 votes would have been necessary to pass the bill. 125 lawmakers voted in favor, 59 against and five abstained.

²²⁰ See Chitsulo 2001: pp. 3-4 and 6; and the article entitled "A Surprising Crackdown in Malawi. Leader Who Symbolized Democracy Changes Some of the Rules" by Rachel L. Swarns in *The New York Times* of Sunday, 30 June 2002, A4.

²²¹ See Kaunda 1998: pp. 61-63; and the articles entitled "Famine Sweeps Southern Africa. Millions Suffering in Crisis Created by Nature, Exacerbated by Man" by Jon Jeter in *The Washington Post* of Friday, 10 May 2002, A1 and A34; and "Meager Harvests in Africa Leave Millions at the Edge of Starvation" by Rachel L. Swarns in *The New York Times* of Sunday, 23 June 2002, A1 and A8.

CHAPTER 6

ZAMBIA

The Republic of Zambia is a land-locked country in South-Central Africa. It covers a total area of 752,614 sq km (290,586 sq miles). Appendix U contains a map of Zambia that shows its nine provinces as well as major cities and towns. According to UN estimates Zambia's population was 9,169,000 in mid 2000, which is equivalent to 12.2 inhabitants per sq km. This is a rather low figure by African standards, however, "Zambia is the third most urbanized country in mainland sub-Saharan Africa, with 41% of its population of 5,661,801 at the September 1980 census residing in towns of more than 5,000 inhabitants [...]. Some 78% of the urban population was, in fact, located in the 10 largest urban areas, all situated on the 'line of rail', extending south from the Copperbelt, through Lusaka, to the Victoria Falls, forming the major focus of Zambia's economic activity".²²² No fewer than 73 different ethnic groups live in Zambia. They speak more than 80 languages and they all belong to the Bantu group. Among the major ethnic / language groups are the Bemba who mainly live in the north-east and in the Copperbelt; the Nyanja who live in the Eastern Province and in Lusaka; the Tonga who live in the Southern Province; and the Lozi who live in the west.²²³

²²² Williams 2001: p. 1105.

²²³ See Williams 2001: p. 1105; and Southall 2001: p. 555.

6.1 Historical Context

Starting in the 1930s the British developed a copper mining industry in their colony Northern Rhodesia. This “led to massive labour migration from rural areas and made Zambia the most urbanized country in Africa. Urbanization, labour migration and education provided the background to early assertions of African identity, which led increasingly to opposition to colonial authority”.²²⁴ Since workers were initially prohibited by the colonial authorities to form trade unions, they formed “welfare societies” instead. The political organization especially of mine workers fostered the development of a working-class consciousness among them and laid the foundation for the working-class involvement in politics, which became one of the corner stones of Zambian politics. In 1951 the Northern Rhodesia African National Congress (ANC) was formed under the leadership of Harry Nkumbula to oppose the establishment of the Central African Federation (CAF) by federating Northern Rhodesia, Southern Rhodesia and Nyasaland. The establishment of the CAF in 1953, which enabled the white settlers in Southern Rhodesia to exploit Northern Rhodesia’s mineral wealth, lead to an intensification of the anti-colonial struggle in Northern Rhodesia. During the second half of the 1950s differences arose within the ANC on what course the anti-colonial struggle should take. As a result Kenneth Kaunda and Simon Kapwepwe, who favored a more radical approach than Nkumbula, left the ANC and formed the United National Independence Party (UNIP). Under the leadership of Kaunda UNIP became the driving force in the struggle for independence, which was attained on 24 October 1964.²²⁵

²²⁴ van Donge 2000: p. xxii.

²²⁵ See Meyns 1993: p. 479; van Donge 1995b: p. 195; Ihonvbere 1996: pp. 48-50; van Donge 2000: p. xxiv; Mthembu-Salter 2001: p. 1106; and Southall 2001: p. 556.

6.1.1 The First Republic: 1964-1972

Even so President Kaunda favored a one-party system, from 1964 to 1972 Zambia remained a multiparty system. Kaunda initially hoped that he could achieve his goal of a one-party system through the ballot box and consensual techniques. Consequently, during the first years of independence “UNIP relied heavily upon tactics of coercion and positive inducement to convince ANC supporters that their political and economic interest could be better served through UNIP – hence the slogan: ‘It pays to belong to UNIP’”.²²⁶ However, the ANC did not dissolve itself and continued to be supported by the Tonga of the Southern Province. In the late 1960s UNIP was weakened by factionalism. In 1966 the United Party (UP) was formed by Nalumino Mundia in the Lozi-dominated Western Province and subsequently gained strength as a result of the factionalism within UNIP, which led various UNIP members that belonged to the Lozi ethnic group to join the UP. UP was banned in August 1968 after its ability to mobilize political support in the Copperbelt led to violent clashes within UNIP. Subsequently UP leaders directed their followers to join the ANC. As a result the ANC did fairly well²²⁷ in the parliamentary and presidential elections that took place in 1968. Factionalism along ethnoregional lines within UNIP continued to undermine its position as the dominant political party. In 1971 former Vice-President Simon Kapwepwe, who belonged to the Bemba ethnic group, left UNIP and formed his own party, the United Progressive Party (UPP). UPP was supported mainly by disgruntled groups, Bemba as well as non-Bemba, who left UNIP since they felt that they were at a disadvantage in

²²⁶ Chikulo 1979: p. 202.

the competition for limited national resources that took place within UNIP. The transformation of a major faction within UNIP into an opposition party (UPP) posed a major threat to UNIP's dominant role, especially in the light of emerging economic difficulties as a result of declining copper prices. In February 1972 Kaunda outlawed the UPP and detained its leaders and on 13 December 1972 he announced the formation of a "one-party participatory democracy". By doing so he outlawed not only the sole remaining opposition party, the ANC, but also any future initiatives to establish opposition parties.²²⁸

6.1.2 The Second Republic: 1973-1990

In August 1973 a new constitution entered into force. This constitution made Zambia officially a one-party state. The 1973 constitution gave the sole party, UNIP, supremacy over all political activities as well as the government and recognized that UNIP's Central Committee was the main policy-making authority. As a result of UNIP's supremacy Zambia's parliament was reduced to a "rubber stamp" that merely endorsed decisions taken by the Central Committee of UNIP. Between 1973 and 1990 parliamentary elections took place on a regular basis. They can be characterized as semi-competitive, since voters could basically choose between up to three UNIP candidates. Kenneth Kaunda was president of the state and the party. The 1973

²²⁷ The ANC received 21.9% of the votes in the parliamentary elections and its presidential candidate, Harry Nkumbula, received 18.2% of the votes in the presidential elections (see Krennerich 1999: p. 953).

²²⁸ See Tordoff / Scott 1974: pp. 107-111; Chikulo 1979: pp. 201-204; Burdette 1988: pp. 64-94; Tordoff 1988: pp. 10-12; Bratton 1992: pp. 82-83; Meyns 1993: pp. 479-480; Burnell 1994: p. 20; Nkanza 1994: pp. 196-197; von Donge 1995b: p. 195; Mthembu-Salter 2001: p. 1106; and Southall 2001: p. 556-557.

constitution gave him vast powers such as the power to detain someone without trial. However, he did not use these powers too excessively mainly because of his Christian beliefs and his rootedness in the concept of Zambian Humanism, which he developed. In this context Gordon White pointed out that “Kaunda’s version of mono-partyism was a relatively ‘soft’ one, in which attempts to repress, harass or co-opt opposition were combined with efforts at appeasement and accommodation”.²²⁹ As long as his government’s authority was not directly challenged criticism was tolerated to a certain extent. It mainly came from the press, churches and trade unions.²³⁰

Between 1964 and 1972 a fairly critical press emerged in Zambia. While the government exercised more control over Zambia’s two main newspapers the “Times of Zambia” and the “Zambia Daily Mail” since the early 1970’s by gradually nationalizing them, they maintained their ability to be critical of certain government policies by using the praise-blame approach²³¹ and satire to a certain extent. In 1972 the Christian Council of Zambia (CCZ) and the Zambia Episcopal Conference (ZEC) founded a fortnightly paper called the “National Mirror”. This paper was often quite critical of the government and uncovered various corruption scandals. Towards the end of the 1980s the “National Mirror” enabled “those trade unionists, business leaders, professionals, intellectuals and clergymen who had little or no access to the state-owned *Times* and

²²⁹ White 1995: p. 67.

²³⁰ See Tordoff 1988: pp. 12-27; Bratton 1992: pp. 83-84; Bates / Collier 1995: pp. 116-118; van Donge 2000: p. xxxii; and Southall 2001: p. 557.

²³¹ “In this approach used mainly by the press in their editorials, the [...] writer will praise the president for his supposed exemplary behaviour and at the same time seriously taking to task some government official for failing to follow a policy directive issued by him” (Lungu 1986: p. 392).

*Mail*²³² to criticize the government. Zambia's churches were quite critical of the government's population control and education policies. Regarding the latter they objected quite strongly to the intention of the government to introduce "scientific socialism" or Marxism into the curriculum of all Zambian educational institutions. As a result of its large and labor-intensive copper-mining industry Zambia developed one of Africa's largest and most sophisticated trade union movements.²³³ In 1965 the Zambia Congress of Trade Unions (ZCTU) was formed as an umbrella organization for 18 affiliated unions. Among the unions under the roof of ZCTU the Mineworker's Union of Zambia (MUZ) is the largest and most powerful one. The Zambian National Union of Teachers (ZNUT) is also quite influential. In 1974 Frederick Chiluba was elected as president of ZCTU. Despite efforts of the government to bring the trade unions under its control, they managed to maintain a high degree of autonomy²³⁴ and were one of the most vocal critics of the Zambian government. Trade union leaders such as Frederick Chiluba²³⁵ frequently criticized government programs and policies, especially economic policies, in newspapers like the "Times of Zambia" as well as protest rallies and backed up their criticism with a number of strikes. During the 1970's the organized labor movement grew steadily and by 1980 ZCTU had 380,000 members, which was almost double UNIP's paid membership. Besides the press, the churches and the trade unions

²³² Banda 1997: p. 13.

²³³ More than 80% of Zambia's formal sector workers are organized in trade unions.

²³⁴ For instance, the ZCTU asserted its status as an independent interest group through the election of leaders who declined to accept patronage posts offered by UNIP.

²³⁵ In 1981 Chiluba was imprisoned for several month for resisting government attempts to control the unions. He was released after a court ordered to government to do so. "Subsequently he repeatedly rejected offers of a place on UNIP's central committee as President Kaunda attempted to neutralize him by co-optation" (Wiseman 1996: pp. 44-45).

also the students at the University of Zambia and Zambia's Law Association and Economics Club were quite critical of the government. For instance, between 1971 and 1984 Zambia's students organized four large demonstrations against government corruption.²³⁶

6.2 Political Liberalization

While Zambia's per capita income dropped from US \$700 in 1964 to US \$290 by the end of the 1980s, its external debt rose from US \$623 million in 1970 to more than US \$7 billion in 1990, which made Zambia one of the world's most heavily indebted countries on a per capita basis. A number of factors were responsible for these negative economic developments such as the falling world market price for copper, Zambia's main source of export earnings, increasing oil prices, government policies skewed against agriculture, unrealistic exchange-rate policies, and the maintenance of inefficient parastatals. As a result of these developments / policies Zambia's "economic situation had reached crisis proportions [by the end of the 1980s] as the country experienced massive food shortages, 100 percent annual inflation and deteriorating social services".²³⁷ To obtain new loans President Kaunda started to implement an IMF structural adjustment programme (SAP) in 1985. "The programme entailed the removal of price controls and subsidies , as well as the devaluation of the Zambian currency - the Kwacha".²³⁸ The removal of subsidies for Zambia's main staple, maize meal, led to

²³⁶ See Gertzel 1984: pp. 79-117; Lungu 1986: pp. 389-409; Burdette 1988: pp. 95-132; Bratton 1992: pp. 84-85; Bratton 1994: pp. 112-116; Wölbert 1994: pp. 30-32; Bourgault 1995: p. 215; Wiseman 1996: pp. 44-45; Banda 1997: pp. 9-14; and Southall 2001: p. 559.

²³⁷ White 1995: p. 65.

²³⁸ Chikulo / Sichone 1996: p. 3.

food riots and labor unrest in late 1986 and early 1987. Subsequently, the Zambian government abandoned the SAP in May 1987 in favor of an indigenous alternative called the “New Economic Recovery Program” under which subsidies and price controls were restored. However, this program ran aground soon and Kaunda had no other choice than to return to the implementation of another SAP in mid 1989. This set the context for a new round of popular protests in mid 1990 that took on a political dimension in contrast to the food riots in late 1986 and early 1987, which had been focused basically on the price of maize meal.²³⁹

On 19 June 1990 the Zambian government doubled the price of maize meal to meet the IMF demand of subsidy cuts for basic food products. This led to three days of riots and looting in Lusaka and nearby regional towns in which 26 people were killed. Many protestors blamed Kaunda and UNIP as well as the one-party system for Zambia’s economic crisis. On 30 June 1990 a group of army officers around Lt. Mwamba Luchembe attempted, unsuccessfully, to carry out a coup d’état to protest against the drastic food price increase. In the course of the attempted coup Luchembe burst into a radio station in Lusaka and announced that the Kaunda government had been overthrown. Minutes later thousands of Zambians were in the streets of Lusaka celebrating. Even so the coup attempt quickly fizzled the reaction to it by the public underlined how unpopular the Kaunda government was.²⁴⁰

Influenced by the events in Eastern Europe in 1989 the ZCTU General Council decided to spearhead a campaign for the restoration of the multiparty system in Zambia

²³⁹ See Morna 1991: pp. 32-33; White 1995: p. 67; and Chikulo / Sichone 1996: pp. 2-3.

²⁴⁰ See Joseph 1992: p. 199; Bratton 1992: pp. 85-86; and Chikulo / Sichone 1996: p. 3.

and in early 1990 the chairman of ZCTU, Frederick Chiluba, called upon President Kaunda to hold a referendum on the reintroduction of the multiparty system. In July 1990 various opposition groups held a national conference and formed the National Interim Committee for Multiparty Democracy, which later on became the Movement for Multiparty Democracy (MMD). The Committee was a broad-based coalition bringing together a wide variety of groups such as the trade unions, Zambia's business community and its churches. Its members came from all of Zambia's ethnic / language groups. The Committee was chaired by Arthur Wina, a former Finance Minister of the Kaunda government. He was supported by two deputies, Frederick Chiluba and Vernon Mwangi, who had served as Foreign Minister in the Kaunda government. The former was in charge of organization and operation and the latter was in charge of publicity. During the months following its establishment the Committee organized several opposition rallies in Lusaka and other major cities that brought together huge crowds chanting the opposition slogan "The hour has come!".²⁴¹

In April 1990 Kaunda gave his consent to the opposition demand for holding a referendum on the reintroduction of the multiparty system. However, as the year went on it became quite obvious from the huge crowds that turned up for the various opposition rallies that such a referendum was not necessary as its outcome was already quite clear. Consequently, leading members of UNIP, the National Interim Committee and Catholic bishops urged Kaunda to introduce the multiparty system without holding a referendum and on 24 September 1990 he agreed to do so during a meeting of UNIP's

²⁴¹ See Bratton 1992: p. 86; and Chiluba 1995: p. 63.

National Council. On 4 December 1990 Zambia's parliament repealed Article 4 of the constitution making the reintroduction of the multiparty system possible.²⁴²

The dramatic economic decline during the 1980s together with the political changes in Eastern Europe that were relatively well covered by the Zambian media played an important role in bringing about political liberalization in Zambia. While hoping that the world market price for copper, Zambia's main source of export earnings, would recover again, Zambia's government borrowed a lot of money making the country one of the most heavily indebted countries on a per capita basis. This left the Kaunda government with no other choice than to implement various SAPs to become eligible for new loans from the IMF. Under these SAPs the government had to cut subsidies for Zambia's main staple, maize meal, which led to food riots in December 1986 and in June 1990. While the riots in December 1986 mainly focused on the price of maize meal, those in June 1990 took on a political dimension at least partly as a result of the events in Eastern Europe. The rioters identified the single-party system as the source for their and Zambia's economic problems. Furthermore, because of the economic decline the Kaunda government lost its ability to dispense resources to client groups. As a result many of them turned to the opposition in the hope for a better deal. The opposition to the Kaunda government was spearheaded by the trade unions, which are the core of Zambian civil society. Due to Zambia's comparatively high degree of urbanization (just over 50% in 1990) and the large concentration of formal industrial employment in the Copperbelt Zambia has one of Africa's strongest trade union movements, which was able to maintain a high degree of autonomy during the 1970s

²⁴² See Bratton 1992: p. 86; van Donge 1995b: pp. 200-201; and Chikulo / Sichone 1996: p.4.

and 1980s. The large number of formal sector workers that were organized in Zambia's trade unions could fairly easily be mobilized for political action. They were also the ones that were particularly negatively impacted by the subsidy cuts. This enabled the leaders of the MMD to organize various large rallies against the Kaunda government in Lusaka and other urban centers forcing it to allow the reintroduction of the multiparty system. The existence of a strong trade union movement that could be mobilized against the Kaunda regime enabled Zambia's opposition to bring about political liberalization without Zambia's donors having to impose explicit political conditionalities. However, the economic conditionalities they imposed in the context of SAPs contributed to the delegitimatization of the Kaunda government and enabled opposition leaders to mobilize the urban population against the one-party system.²⁴³

6.3 Democratic Transition / Democratization

In chapter 6.3 the democratic transition / democratization in Zambia will be analyzed. First, the formation of major opposition parties will be analyzed. Second, the constitutional changes that took place prior to the 1991 elections will be examined. Third, the 1991 elections will be looked at. Fourth, major political developments prior to and the 1996 elections will be analyzed. Fifth, major political developments prior to and the 2001 elections will be examined.

²⁴³ See Baylies / Szeftel 1992: pp. 79-81; and White 1995: pp. 66-69.

6.3.1 The Formation of Opposition Parties

On 4 January 1991 the National Interim Committee for Multiparty Democracy was officially registered as a political party under the name Movement for Multiparty Democracy (MMD). Subsequently other political parties²⁴⁴ were registered as well. However, only MMD posed a significant challenge to UNIP in the 1991 elections. Therefore the following remarks will be limited to MMD.

Prior to the 1991 elections the MMD could be viewed as a broad “temporary coalition of trade unionists, ex-politicians, professionals, students, intellectuals, businessmen, commercial farmers and religious leaders”²⁴⁵ that had one common goal, namely, to replace the Kaunda government. In early 1991 various UNIP politicians resigned from their posts and joined the MMD. At the same time the Zambian Congress of Trade Unions (ZCTU) as well as Zambia’s largest single union, the Mineworkers Union of Zambia (MUZ), declared their support for the MMD. The support of the trade unions enabled MMD to quickly establish a party infrastructure all over the country. For instance, trade union offices throughout Zambia became recruiting centers for the newly established party and towns “served by railroads, provincial and district capitals, and all public institutions with trade-union branches became major organizing centers for the MMD”.²⁴⁶ MMD’s first national convention took place in Lusaka from 27 February to 2 March 1991. During this convention MMD’s presidential candidate for the upcoming elections was elected. Among the four candidates Frederick Chiluba received 683 votes,

²⁴⁴ Some of them were the National Democratic Alliance (NADA), the National Party for Democracy (NDP) and the Democratic Party (DP).

²⁴⁵ White 1995: p. 68.

²⁴⁶ Ihonvbere 1996: p. 117.

while MMD's interim chairman, Arthur Wina, only received 208 votes.²⁴⁷ The business people within the MMD were not too happy with the fact that a trade unionist was elected as MMD's presidential candidate and there was an immanent danger that the MMD could split. However, Wina himself stressed the need for unity as a precondition for winning the upcoming elections. By doing so he helped to prevent a split of MMD. Besides the party's presidential candidate the national convention also elected a National Executive and a shadow cabinet. Except for the Eastern Province, which was a UNIP stronghold, individuals from all other provinces were elected. While "Chiluba's election indicated the MMD's determination to look beyond its elite core for national support", "it was not so much a mass party as an organisation led by the relatively privileged, who garnered broad-based support out of broad-based discontent".²⁴⁸

6.3.2 Constitutional and Electoral Reforms

In early 1991 the Kaunda government appointed a Constitutional Commission to draft a new constitution for the Third Republic. The Commission was chaired by Dr. Patrick Mvunga. "Members of the Mvunga commission travelled throughout Zambia, soliciting advice from business, community and government leaders. The MMD, which was offered two of the 23 seats on the commission, refused to participate in this process and objected to the strongly pro-UNIP character of the individuals consulted".²⁴⁹ In June 1991 the Constitutional Commission submitted its report. Among its

²⁴⁷ The other two candidates were Edward Jack Shamwana and Humphrey Mulemba. Shamwana received a dismal 24 votes, while Mulemba got 168.

²⁴⁸ Baylies / Szeftel 1992: p. 85 and p. 86. See also *Africa Confidential*, Vol. 32, No. 5 (8 March 1991), pp. 5-6; and Wölbert 1994: p. 49.

²⁴⁹ National Democratic Institute / Carter Center 1992: p. 28.

recommendations were the creation of the post of vice-president, the expansion of the National Assembly from 135 to 150 seats, the establishment of a constitutional court, and the establishment of a bicameral system of parliament. The MMD rejected the draft constitution proposed by the Commission and threatened to boycott the upcoming elections if the National Assembly ratified the recommendations of the Commission. MMD opposed the draft constitution of the Commission, since it vested too much authority in the president and too little in the National Assembly. For instance, under the draft constitution the president was able to choose cabinet ministers from outside the National Assembly and he could unilaterally dissolve the National Assembly as well as veto its legislation. As a result of mediation efforts by university students²⁵⁰ and the Anglican church²⁵¹ a compromise was reached on 31 July 1991. Under this compromise only members of the National Assembly could be appointed to the cabinet, the presidential power of declaring material law was abandoned, and “any imposition of a state of emergency beyond seven days was to be approved by the National

²⁵⁰ “In an effort to promote compromise during debate over the proposed constitution, university students organized a one-day convention in Lusaka on July 19, 1991. Representatives of nine political parties, including President Kaunda and MMD President Chiluba, attended the convention. Although the atmosphere was strained, the meeting resulted in Kaunda’s agreement to meet with opponents of the proposed constitution during the following weekend before parliament reconvened” (National Democratic Institute / Carter Center 1992: p. 28).

²⁵¹ “On Tuesday, July 23, Kaunda and Chiluba met one-on-one, for the first time since Chiluba’s election as leader of the MMD, to discuss constitutional issues. In the meeting, which was held at the Anglican Cathedral and chaired by Bishop Stephan Mumba, Kaunda and Chiluba agreed that while the National Assembly would continue to consider the constitution, more time would be allowed for consultations with other parties about possible amendments. The meeting substantially eased tensions and made possible a compromise on the constitution” (National Democratic Institute / Carter Center 1992: p. 29).

Assembly”.²⁵² The National Assembly adopted the new constitution on 24 August 1991.²⁵³

On 24 August 1991 the National Assembly also adopted a new Electoral Act. Under this Act the size of the National Assembly was increased from 125 to 150²⁵⁴. “In order to take into account the resultant 25 new seats, constituency boundaries had to be revised and re-drawn”.²⁵⁵ This was done by the Electoral Commission. The creation of the 25 new electoral districts was biased in favor of rural constituencies where UNIP’s support was thought to be strongest. Furthermore the number of registered voters per constituency varied between 6,376 and 70,379. These variations again favored voters in rural constituencies. After he initially opposed neutral external and internal electoral observers, President Kaunda finally agreed to such observers from established international bodies²⁵⁶ and emerging local civic groups²⁵⁷ prior to the elections that were scheduled for 31 October 1991.²⁵⁸

²⁵² Ihonvbere 1996: p. 118.

²⁵³ See Bratton 1992: pp. 87-88; National Democratic Institute / Carter Center 1992: pp. 28-29; van Donge 1995b: pp. 201-202; Mbaio 1996: pp. 9-23; and Ihonvbere 1996: pp. 118-119.

²⁵⁴ In addition to 150 constituency members that were elected on a first-past-the-post basis in single-member constituencies with a simple majority (plurality), the National Assembly was supplemented by eight nominated members.

²⁵⁵ Chikulo 1996: p. 26.

²⁵⁶ International observers were sent by the Carter Center and the National Democratic Institute, the Commonwealth and the Organization of African Unity (OAU).

²⁵⁷ “Two new civic groups were established locally to conduct pollwatching: the Zambia Independent Monitoring Team (ZIMT), an association of professionals; and the Zambia Election Monitoring Coordinating Committee (ZEMCC), a broad coalition of organizations representing churches, students, women, layers, journalists and nongovernmental development agencies” (Bratton 1992: p. 94, footnote 9).

²⁵⁸ See Bratton 1992: pp. 88-89; Bjornlund / Bratton / Gibson 1992: pp. 413-417; and Chikulo 1996: pp. 25-26.

6.3.3 The 1991 Elections

One of the most striking features of the electoral campaign prior to the elections on 31 October 1991 was the almost complete absence of issue-based / issue-oriented debates among the two main contenders, MMD and UNIP. None of them provided the voters with a clear perspective on how they intended to solve Zambia's severe socio-economic crisis if elected. "Surprisingly, not even the ZCTU showed any need to promote workers' interest by influencing MMD policy. The defeat of UNIP was seen as a panacea for all problems, or at least as a first step towards their solution".²⁵⁹ Chiluba and MMD blamed the Kaunda government for the bad shape of Zambia's economy²⁶⁰ without offering any substantive ideas on what policies were necessary to turn the economy around. Rather than focusing on key issues the two main contenders Chiluba and Kaunda and their party cohorts mainly used inflammatory rhetoric and exchanged wild accusations while on the campaign trail. For instance, Kaunda claimed that MMD was plotting an armed revolt with the support of army officers and the Angolan rebel leader Jonas Savimbi in case of defeat, while Chiluba claimed that "UNIP was harboring a secret commando unit in Malawi and called for an international peacekeeping force to supervise elections and the transition".²⁶¹

While MMD's campaign mainly focused on urban areas where its rallies were attended by huge crowds of people who were fed up with the Kaunda government, UNIP's campaign focused mainly on rural areas. In an attempt to increase its support in

²⁵⁹ Chikulo 1996: p. 26.

²⁶⁰ For instance, in its media campaign the MMD drew attention to the decline of the public service and the bad shape of the country's infrastructure by showing pictures of potholed highways.

²⁶¹ Bratton 1994: p. 120. See also Wölbart 1994: p. 50; and van Donge 1995b: pp. 204-208.

rural areas UNIP tried to please Zambia's 280 hereditary chiefs in various ways. For instance, they were included among UNIP's parliamentary candidates and they were offered positions in the government and the party. Furthermore, the salaries of traditional rulers were increased and in 1991 the UNIP government distributed four-wheel drive vehicles to senior chiefs, notably in the Eastern Province. In another attempt to gain an advantage in the 1991 elections Kaunda waited until September 1991 until he finally embarked on a process of "de-linking" UNIP from government institutions, which was carried out quite halfheartedly. This enabled UNIP candidates to continue to take advantage of the blurred distinction between their party and the Kaunda government to aid their campaigns. For instance, "government offices were used as campaign headquarters and were often plastered with UNIP campaign materials, and both government and party officials running for parliamentary seats were seen driving government vehicles on the campaign trail".²⁶² While the print media provided a fairly balanced coverage of the campaign, the reporting of the government-controlled Zambian National Broadcasting Company (ZNBC) was biased in favor of Kaunda and UNIP. However, during the campaign MMD won various court cases that helped to level the playing field to a certain extent. For instance, they won an injunction barring the director-general of ZNBC, who was biased towards UNIP, from supervising ZNBC's news reporting until after the elections and in another court injunction ZNBC was forced to air MMD campaign spots.²⁶³

²⁶² Bjornlund / Bratton / Gibson 1992: p. 418.

²⁶³ See Ham 1991: pp. 45-48; Novicki 1992: pp. 13-17; Bjornlund / Bratton / Gibson 1992: pp. 413-420; Bratton 1992: pp. 89-91; Bratton 1994: pp. 117-122; Bourgault 1995: pp. 217-218; van Donge 1995b: pp. 202-208; and Ihonvbere 1996: pp. 120-124.

The parliamentary and presidential elections on 31 October 1991 resulted in an overwhelming victory for the MMD and its presidential candidate, Frederick Chiluba. In the presidential elections Chiluba received 75.8% of the votes cast, while Kaunda only received 24.2%. In the parliamentary elections MMD received 74.3% of the votes cast, while UNIP received 24.7%. In seats MMD won 125, more than two thirds, while UNIP won 25. The tables in Appendices V and W show that MMD's support was quite high in all provinces except the Eastern Province, which remained a UNIP stronghold, since it was Kaunda's home base. Chiluba's and MMD's support was strongest in the Copperbelt, which reflects Chiluba's strong support among the mine workers who were most severely effected by the economic decline. Except for the Eastern Province, "MMD's support was widespread, rural *and* urban, and did cut across ethnic groups".²⁶⁴ Many Zambians, regardless where they lived or what ethnic group they belonged to, wanted change. They hoped that removing Kaunda from office would remove all their problems. However, they soon found out that this was not the case as will be illustrated below.²⁶⁵

6.3.4 The 1996 Elections

Chiluba's cabinet appointments after the 1991 election gave proof of the dominant position of businessmen within the MMD. While at least thirteen of the 24-member cabinet were businessmen, only two came from the trade union movement. Furthermore, at least half of his ministers came from his own ethnic group, the Bemba.

²⁶⁴ Ihonvbere 1996: p. 125.

²⁶⁵ See Ihonvbere 1996: pp. 124-125; and Krennerich 1999: pp. 951 and 958.

The dominant position of Bemba-speaking businessmen within the Chiluba government soon led to tensions within the MMD. In April 1992 a group of politicians and intellectuals mainly from the Southern and Western provinces formed the Caucus for National Unity (CNU) within the MMD to protest against the dominant position of businessmen from the Luapula and Northern provinces within the government. In early March 1993 Chiluba declared a state of emergency following the discovery of UNIP documents detailing an alleged conspiracy to destabilize the government by inciting civil disobedience and unrest capitalizing on the rapidly deteriorating economic situation, which was caused mainly by the government's rigorous implementation of SAPs.²⁶⁶ Subsequently a number of prominent UNIP members, including Kaunda's three sons, were arrested and detained without charges.²⁶⁷ Various ministers and MMD MPs were opposed to the declaration of a state of emergency, which they viewed as an overreaction by the government and a threat to Zambia's fledgling democracy. In response to the declaration of a state of emergency and allegations of corruption and drug trafficking against members of the Chiluba government various high ranking politicians left the government and the MMD in 1993 and subsequent years and formed their own political parties. For instance, the first Minister of Legal Affairs of the MMD government, Rodger Chongwe, formed the Liberal Progressive Front (LPF). Guy Scott, who had been Minister of Agriculture, Food and Fisheries founded the National Lima Party (NLP) together with the head of the Zambia National Farmers Union, Ben Kapita. The head of the National Party (NP), Humphrey Mulemba, had been Minister of Mines

²⁶⁶ As a result of SAP induced subsidy cuts the price for basic food staples such as maize meal increased drastically. Public sector retrenchment and privatization left thousands of workers unemployed.

and Mineral Development, while the head of the Agenda for Zambia (AZ), Akashambatwa Mbikusita-Lewanika, had been Minister of Science, Technology Education and Vocational Training in the Chiluba government. Finally, the leaders of the Zambia Democratic Congress (ZDC), Dean Mung'omba and Derick Chitala, played an important role in the founding of the MMD and had been Deputy Ministers in the Chiluba government.²⁶⁸

On 9 December 1993 Chiluba appointed a 25-member Constitutional Review Commission, which was chaired by John Mwanakatwe. The Mwanakatwe Commission received and reviewed submissions from individuals, civic organizations and political parties from all over the country.²⁶⁹ In June 1995 the Mwanakatwe Commission released its report and a draft constitution. "The draft constitution still vested executive powers in the presidency and still provided for the election of the president by direct popular vote. But Article 82 (1) stated that a person would qualify to be a presidential candidate if (a) he or she was a citizen of Zambia born in Zambia; (b) his or her parents were Zambian citizens born in Zambia; [...]. Secondly, Article 82 (2) stated that a person who has been elected twice previously would not qualify as a presidential candidate".²⁷⁰ The main motivation beyond these provisions, which were submitted to

²⁶⁷ For a detailed account of this conspiracy, which became known as "Zero Option" see Ihonvbere 1996: pp. 224-245.

²⁶⁸ See Ham 1993: pp. 31-33; Baylies / Szeftel 1997: pp. 115-116; Bartlett 2000: pp. 441-443; and Mthembu-Salter 2001: pp. 1108-1109.

²⁶⁹ "The Commission agreed that in order to reach as many people as possible, it should cover provincial centers and selected districts as well as other areas with a concentration of population. The Commission travelled extensively throughout Zambia between March and September 1994, and conducted 46 public sittings in all nine provinces which attracted a total of 996 petitioners" (CCC 1996: p. 16).

²⁷⁰ Mphaisha 1996: p. 69.

the Mwanakatwe Commission by the MMD, was to bar former President Kenneth Kaunda²⁷¹ whose parents were from Malawi and who already had been president for 27 years from becoming UNIP's presidential candidate for the 1996 elections. Furthermore, in the draft constitution the Mwanakatwe Commission removed the requirement for police permits for the holding of meetings and included provisions that enhanced the freedom of the press. In its report the Mwanakatwe Commission recommended that the draft constitution should be adopted by a Constituent Assembly that would be more representative than the MMD-dominated National Assembly. In the light of this recommendation the Zambian public expected that the adoption of the new constitution would be preceded by broad-based public discussion and debate. However, this was not in the interest of the Chiluba government, which instructed the ZNBC-Television to cancel scheduled discussions of the draft constitution at short notice.²⁷² In September 1995 the Chiluba government finally released its White Paper on the Mwanakatwe Report. In it the government virtually rejected all new rights and enhancements in the proposed Bill of Rights, while accepting the controversial recommendations regarding the presidential candidates. Furthermore, the Chiluba government rejected the recommendation that the new constitution be adopted by a Constituent Assembly and a national referendum. It argued that the new constitution

²⁷¹ On 29 October 1994 Kaunda announced his return to active politics and in May 1995 he defeated Kebby Musokotwana for the UNIP presidency. Many of his rallies drew large crowds.

²⁷² "The procrastination of the government did not deter privately owned newspapers, some non-governmental organisations and civic leaders from commenting on the draft constitution. The Law Association of Zambia, the Zambia Civic Education Association and the Legal Resources Foundation, for example, defied subtle government attempts to stifle public debate and went ahead with holding public seminars and workshops on the new constitution" (Mphaisha 1996: p. 70). "In March 1996, members of the civil society in a ten-day Citizen's Convention produced a document known as the *Green Paper*, which was a reaction to the Government *White Paper* and represented the citizens' contributions to the Constitution debate. Unfortunately the Government chose to ignore the *Green Paper*" (CCC 1996: pp. 17-18).

should be adopted by the National Assembly. The reason behind this was that “Chiluba wanted to avoid the option of a Constituent Assembly, coupled with the holding of a national referendum, to ensure that constitutional clauses were retained that restricted qualifications for presidential candidates. He believed that UNIP stood no chance of regaining power without Kaunda. As such, he felt that democratisation should be promoted only to the extent that it did not jeopardise his presidency”.²⁷³ Consequently, on 28 May 1996 the National Assembly, in which the MMD had a two-thirds majority, adopted a Constitution Amendment Bill that mainly contained provisions aimed at preventing Kaunda and his vice presidential running mate, Senior Chief Inyambo Yeta, from standing in the 1996 elections. In response UNIP and six smaller parties announced that they would boycott the 1996 elections.²⁷⁴

The constitutional amendments described above were not the only issue that gave rise to controversy prior to the elections on 18 November 1996. Another such issue was the voter registration process. Rather than providing appropriate funds to the Electoral Commission the MMD government contracted an Israeli company (Nikuv Computers Ltd.) to carry out the voter registration. By the end of the voter registration period only 2.3 million voters had been registered out of approximately 3.8 million eligible voters. Cumbersome procedural requirements and inadequate publicity were among the reasons for this disappointing result. Furthermore, the process itself was full of problems. For instance, thousands of names were omitted from the register while at the same time thousands of other individuals received duplicate registration cards. This

²⁷³ Mphaisha 1996: p. 71.

²⁷⁴ See Mphaisha 1996: pp. 68-72; Bratton / Posner 1999: pp. 392-395; Reynolds 1999: p. 154; and Mphaisha 2000: pp. 134-135.

led various opposition parties to demand that “the entire registration exercise be scrapped and that citizens over the age of 18 be permitted to vote with their national registration cards”.²⁷⁵ However, the government refused these demands.²⁷⁶

Just about four weeks prior to the elections a new Electoral Commission was sworn in. All its five members were either MMD members or pro MMD. This seriously compromised the ability of the Commission to ensure that there would be a level playing field prior to the elections. The campaign coverage of the government-controlled media was clearly biased in favor of the MMD. For instance the newspaper “Times of Zambia” allocated 88.15% of its news coverage to the MMD, while four opposition parties combined shared the rest among themselves. In addition, independent newspapers such as “The Post” that “published articles or editorials critical of the way the election exercise was being conducted faced harassment by MMD supporters or the police”.²⁷⁷ Besides taking advantage of its control over the Zambia National Broadcast Cooperation (ZNBC) and two major newspapers the MMD also used government vehicles and equipment of the Zambia Information Service for campaign purposes. Furthermore, it distributed development funds, maize meal and fertilizer to attract supporters in rural constituencies, while it sold council houses at bargain prices to win support in urban areas. On top of this MMD campaigners threatened the withdrawal of development funding from constituencies that would elect opposition candidates to the

²⁷⁵ Bratton / Posner 1999: p. 395.

²⁷⁶ See CCC 1996: pp. 45-52; Bratton / Posner 1999: pp. 394-395; and Mphaisha 2000: pp.132-133.

²⁷⁷ Bratton / Posner 1999: p. 397.

National Assembly. Finally, like in 1991 policy issues were almost completely absent from the campaign.²⁷⁸

Despite the fact that various local monitoring organizations²⁷⁹ as well as donors²⁸⁰ expressed serious concerns about deficiencies and irregularities in voter registration, the constitutional provisions limiting participation, and the inadequacies of the Electoral Commission the Chiluba government went ahead and held parliamentary and presidential elections on 18 November 1996. Like in 1991 MMD and its presidential candidate, Frederick Chiluba, emerged victorious from the 1996 elections. In the presidential contest Chiluba received 72.6% of the vote, while his main challenger, Dean Mung'omba of the ZDC, received 12.7% of the vote. In the parliamentary elections MMD received 61.0% of the vote, while ZDC received 13.8% of the vote. However, because of the first-past-the-post electoral system MMD won 131 seats (87%) in the National Assembly, while ZDC only won two seats (1%). NP won five seats (3%), AZ two (1%) and independent candidates won 10 seats (7%).²⁸¹ The tables in Appendices X and Y show that support for Chiluba and the MMD varied considerably across Zambia's nine provinces. While support for Chiluba and the MMD was strongest in the Copperbelt and Chiluba's home province, Luapula, it was much less strong in the Western and North-Western provinces. Among the major opposition

²⁷⁸ See CCC 1996: pp. 32-33 and 41-44; Banda 1997: pp. 24-63; Phiri 1999: pp. 58-60; van Donge 1998: pp. 84 and 97-99; Bratton / Posner 1999: pp. 396-397; and Bartlett 2001: pp. 87-89.

²⁷⁹ These local monitoring organizations were the Forum for a Democratic Process (FODEP), the Zambia Independent Monitoring Team (ZIMT) and the Committee for a Clean Campaign (CCC).

²⁸⁰ By the end of March 1996 Norway and the UK suspended balance of payments support. They linked their actions to concerns about constitutional changes. Subsequently also Denmark withheld debt relief, Germany froze a portion of its aid to Zambia and the US announced a 10% cut in aid.

²⁸¹ "The majority of successful independents were MMD members who were not adopted by their party and former UNIP members who defied their party's call for a boycott" (Reynolds 1999: p. 158).

parties only ZDC did relatively well countrywide. The support of the other parties was mainly limited to certain provinces. For instance, NP's support was limited mainly to the North-Western Province, while AZ's support was mainly limited to the Western Province. Compared with the 1991 elections, the 1996 elections revealed a tendency for the Zambian party system to become less dominated by just one party. While MMD became even more dominant in the National Assembly as a result of the first-past-the-post electoral system, it only received 61.0% of the vote in 1996 compared with 74.3% in 1991 in the parliamentary elections. This reveals a tendency of Zambian voters to split their vote between the presidential and the parliamentary contest, which suggests that "the individual qualities of parliamentary candidates may have been as much a part of voter decision-making as party affiliation".²⁸² Finally, while voter turnout reached about 58% in 1996 compared with about 45% in 1991, still only 33% of Zambia's voting age population had participated in the 1996 elections.²⁸³

6.3.5 The 2001 Elections

On 28 October 1997 rebel officers, led by Capt. Stephen Lungu, captured the national television and radio station in Lusaka from where they announced the formation of a military regime. The officers who called themselves the National Redemption Council claimed that they "had been motivated by the chaotic situation of the country in which crime and corruption were rampant".²⁸⁴ The attempted coup was suppressed within a few hours by loyal military units who dislodged the insurgents from

²⁸² Bratton / Posner 1999: p. 398.

²⁸³ See Burnell 1997: pp. 409-411; von Donge 1998: pp. 75-78; Bratton / Posner 1999: pp. 398-400; Reynolds 1999: pp. 158-159; Krennerich 1999: pp. 946-958; and Burnell 2001: pp. 248-249.

the broadcast station and the State House. In response to the failed coup the Chiluba government declared a state of emergency on 29 October 1997, which enabled it to detain people without trial for 28 days. Subsequently the government arrested 84 people, mostly soldiers it suspected to be involved with the failed coup. However, among the arrested was also the leader of the opposition Zambian Democratic Congress (ZDC), Dean Mung'omba, who was tortured while in detention according to the credible accounts. Upon his return from South Africa also the leader of UNIP and former President, Kenneth Kaunda, was arrested and imprisoned in a maximum-security goal in central Zambia on 25 December 1997. He was accused of having helped to plan and finance the attempted coup. In response to international criticism and an intervention by the former Tanzanian President Julius Nyerere, Kaunda was transferred to his Lusaka home where he was placed under house arrest in January 1998. Following donor pressure Chiluba lifted the state of emergency on 17 March 1998. On 1 June 1998 the charges against Kaunda were dropped due to a lack of evidence.²⁸⁵

In December 1998 businessman and former MMD official, Anderson Mazoka, founded a new political party, called the United Party for National Development (UPND). UPND managed to win 30 seats during local government elections on 30 December 1998. On 3 May 1999 it was announced that six opposition parties and a pressure group²⁸⁶ would merge and form a new political party, called the Zambia

²⁸⁴ Cornwell 1997: p. 224.

²⁸⁵ See Cornwell 1997: pp. 224-225; *Africa Confidential*, Vol. 39, No. 6 (20 March 1998), p. 3; Southall 2001: pp. 561-562; and Mthembu-Salter 2001: p. 1110.

²⁸⁶ The opposition parties were the Agenda for Zambia (AZ), the Labour Party, the Liberal Progressive Front (LPF), the National Lima Party (NLP), the National Citizen's Coalition and the Zambia Democratic Congress (ZDC). The press group was Sylvia Masebo's National Pressure Group.

Alliance for Progress (ZAP). Both parties were mainly supported by MMD dissidents but failed to agree on a merger mainly due to personal differences.²⁸⁷

In 2000 and 2001 various high ranking MMD politicians left the party or were expelled as a result of a struggle over who would become MMD's presidential candidate for the 2001 elections. Subsequently they formed their own political parties. In July 2000 the former Minister of Energy and Water Development, Benjamin Y. Mwaila, was expelled from the MMD after he had declared his intention to contest the presidency in 2001. Later on more than 1,000 MMD members resigned in support of Mwaila, who in August 2000 founded the Republican Party, which later on merged with ZAP, becoming the Zambia Republican Party (ZRP). Towards the end of 2000 increasing numbers of MMD cadres began calling for an amendment to the 1996 Constitution, which limited the time in office of Zambia's president to two terms, to allow Chiluba to stand for a third term in the upcoming parliamentary and presidential elections. However, in early 2001 various prominent civil society organizations, including the trade unions, the churches, the Law Association of Zambia (LAZ) and many smaller bodies, joined forces in opposing a third term for Chiluba and established the anti-third term Oasis Forum, which organized protest rallies in every major town. Scores of people wore green ribbons to show that they were against a third term of Chiluba and every Friday at around 5 p.m. motorists, cyclists and pedestrians honked, hooted and blew whistles for several minutes to protest against Chiluba's third term aspirations. In mid April 2001 50 MMD deputies, including 21 ministers, signed a petition opposing Chiluba's bid for a third term. On 2 May 2001 Chiluba dismissed all

²⁸⁷ See *Africa Confidential*, Vol. 40, No. 11 (28 May 1999), pp. 3-4; and *Africa Confidential*, Vol. 41, No. 8 (14 April 2000), pp. 5-6.

those members from his cabinet who had signed the petition, including Vice-President Christon Tembo, and had them expelled from the MMD. Subsequently Tembo founded the Forum for Democracy and Development (FDD), while former Education Minister, Godfrey Miyanda, established another political party, called the Heritage Party (HP). On 5 May 2002 Chiluba announced on TV that he would not seek a third term, but he left open the possibility of holding a referendum on amending the constitution to allow presidents to run for a third term. In late August 2001 Chiluba announced that Levy Mwanawasa would be his favored candidate for the upcoming elections and subsequently MMD's 37-member National Executive Committee (NEC) nominated him as MMD's presidential candidate. In response MMD's National Secretary, Michael Sata, resigned out of protest against Mwanawasa's nomination and later left the MMD to form his own political party, called Patriotic Front (PF).²⁸⁸

On 27 December 2001 presidential and parliamentary elections took place in Zambia. No less than eleven parties nominated candidates for the presidential elections. Out of them four received double digit results. The MMD candidate, Levy Mwanawasa, received 29.15% of the vote and was elected as Zambia's new President, since a simple majority was sufficient for that. The UPND candidate, Anderson Mazoka, finished second with 27.2% of the vote. FDD's candidate, Christon Tembo, came in third with 13.17% of the vote, while UNIP's candidate, Tilyenji Kaunda, finished fourth with 10.12% of the vote. In the parliamentary elections MMD won 69 seats (46%) out of 150. UPND won 49 seats (32.67%), UNIP won 13 seats (8.67%), FDD won 12 seats

²⁸⁸ See Chisupa 2001: pp. 5-8; Kunda 2001: pp. 14-16; Mthembu-Salter 2001: p. 1112; *Africa Analysis*, No. 367 (9 March 2001), p.13; *Africa Confidential*, Vol. 42, No. 18 (14 September 2001), pp. 3-4; and *Africa Confidential*, Vol. 42, No. 21 (26 October 2001), p. 4-6.

(8%) and HP won 4 seats (2.67%). PF and ZRP won one seat (0.67%) each and one independent candidate was elected to the National Assembly as well. With more than 70% the voter turnout was considerably higher than in 1996 when only about 59% of the voters had voted. However, only 55% of eligible Zambians were registered to vote. In contrast to the 1996 elections, which were only monitored by local observers, the 2001 elections like the 1991 elections were monitored by international observers as well. The 2001 elections were monitored by the Carter Center as well as the European Union (EU). Both entities expressed serious concerns about irregularities that occurred prior, during and after the elections. The EU Electoral Observation Mission²⁸⁹ pointed out that the Electoral Commission of Zambia (ECZ) failed to enforce a level playing field during the electoral campaign. For instance, the state-owned print and broadcast media clearly favored the MMD in their campaign reporting.²⁹⁰ Furthermore, state resources such as government vehicles were used in MMD campaigns. The EU observers also noted numerous logistical problems during the polling period. For instance, ballot boxes and papers arrived late at various polling stations and the ECZ assigned the same number of polling staff to each polling station regardless of whether it had to cope with 400 or 4,000 voters, which caused long delays mainly at urban polling stations and as a result not all voters who wanted to vote could do so. Finally, the EU observes pointed out that the official results, which were published by the ECZ on 16 January 2002, “cannot be relied upon as an accurate record of the voting on 27-31

²⁸⁹ The EU sent sixteen long term observers and eighty-six short term observers to Zambia.

²⁹⁰ This was most evident when ZNBC cancelled a long planned and carefully organized live debate with the presidential candidates on the eve of the poll in order to transmit an hour long interview with President Chiluba, which was an obvious campaign broadcast on behalf of the MMD and its presidential candidate. By doing so ZNBC disobeyed a High Court order instructing it to transmit the debate.

December 2001”.²⁹¹ According to the final statement of the EU observer mission twenty-two constituencies showed a difference of 900 votes or more regarding the votes that were cast in the presidential and in the parliamentary elections and in 83 of the 150 constituencies no invalid ballots were recorded at all. Considering the extremely close outcome of the presidential contest between Mwanawasa and Mazoka, the logistical shortcomings on polling day and the serious flaws in the counting and tabulation procedures the EU observers concluded that they were “not confident that the declared results represent the wishes of the Zambian electors on polling day”.²⁹²

6.3.6 Summary

The clear victory of Chiluba and the MMD in the 1991 elections can be attributed at least partly to the following factors. Many voters blamed Zambia’s economic decline and the high unemployment upon the Kaunda government and hoped that voting him out of office would be a first step towards reversing the economic decline. Furthermore, because of the copper mines Zambia has one of Africa’s highest degrees of urbanization which facilitated the development of a fairly large trade union movement that managed to maintain a high degree of autonomy prior to the onset of the democratization process. The support of the trade unions enabled the MMD to use their well-established organizational framework to quickly establish an efficient and effective infrastructure throughout the country. Finally, MMD was an inclusive coalition that brought together urban and rural dwellers, mine workers, the unemployed, businessmen,

²⁹¹ EU Elections Observation Mission, Final Statement on the Zambian Elections 2001, 5 February 2002, p. 3 (This statement is available at: <http://www.eueu-Zambia.org>).

academics, students and civil servants from all of Zambia's regions and ethnic groups. MMD's ability to remain united significantly contributed to its overwhelming victory in 1991. MMD's large victory in 1991 led to the creation of a predominant party system. However, mainly due to the fact that MMD brought together so many different groups with different interests its predominant position eroded slowly during the course of the 1990s. This was already evident to a certain extent in the 1996 parliamentary elections when MMD received 61.0% of the votes compared with 1991 when it received 74.3% of the votes. Chiluba's intention to stand for a third term in the 2001 elections had a catalytic effect on the erosion of MMD's dominant position. In 2000 and 2001 various leading MMD politicians opposed Chiluba's bid for a third term some out of principle and some out of self-interest, since they wanted to become Zambia's next president. As a result most of them were expelled from the MMD by Chiluba and subsequently they established their own parties. For instance, the two former Vice-Presidents, Godfrey Miyanda and Christon Tembo, established the Heritage Party (HP) and the Forum for Democracy and Development (FDD) respectively. As a result of the 2001 elections MMD lost its predominant position completely. However, its presidential candidate still managed to win with 29.15% of the vote at least according the official results, the accuracy of which has been called into question by local and international observers, mainly because the opposition was too fragmented and could not agree on a common candidate. The fragmentation of the opposition can mainly be attributed to personal

²⁹² EU Elections Observation Mission, Final Statement on the Zambian Elections 2001, 5 February 2002, p.4. The official results of the 2001 Elections are available on the web site of the Electoral Commission of Zambia (<http://www.elections.org.zm>). See also Lee 2002: pp. 26-28.

animosities among various opposition politicians who all believed that their support was strong enough to win the presidency themselves.²⁹³

6.4 Prospects for Democratic Consolidation

While the initial transition from Kaunda to Chiluba was regarded as exemplary for other African countries, the way things unfolded after 1991 was much less exemplary and significantly reduced the prospects for democratic consolidation. The constitutional reform efforts between 1993 and 1995 are a case in point. The initial appointment of the Constitutional Review Commission in December 1993 and its efforts to conduct public hearings across the country were steps into the right direction. However, it soon became obvious that President Chiluba was not really interested in a broad-based constitutional review process. His primary interest was to secure his reelection in 1996 in the light of the growing popularity of his predecessor Kenneth Kaunda. This is evident by the fact that he rejected all the proposals of the Mwanakatwe Commission that would have improved the civil and political rights of Zambians as well as its proposal that the new constitution be adopted by a Constituent Assembly and a national referendum, while he only agreed with the proposals that barred Kaunda from running in the 1996 elections.²⁹⁴

The efforts of the Chiluba government to implement various SAPs and to privatize state owned companies such as the copper mines also did not increase the prospects for democratic consolidation. The actions taken by the Chiluba government to

²⁹³ See Bratton 1994: pp. 122-125; Graham 1997: p. 99; Brunell 2001: pp. 246-247; and chapters 6.3.1 to 6.3.5 of this thesis.

²⁹⁴ See Mphaisa 1996: pp. 68-72; and chapter 6.3.4 of this thesis.

liberalize the Zambian economy basically “have made a narrow elite, close to the MMD hierarchy, extremely rich and brought in some US \$350 million in foreign investment. They have also have made urban Zambians much poorer, unable to pay fees for school and health care”.²⁹⁵ Between 1991 and 1996 Zambia’s gross domestic product (GDP) per capita fell from US \$463 to US \$401 and over 85 per cent of the population live in poverty. Empirical studies such as the one by David Simon have shown that high rates of poverty have a negative impact on rates of political participation. Based on his research in Zambia Simon pointed out that “the propensity to participate increases with household expenditure and decreases with negative assessments of recent changes in economic status. [...] [P]overty is an obstacle to electoral participation, and thus to democratic consolidation”.²⁹⁶ It can also be argued that Zambia’s economic decline during the 1990s contributed to the coup attempt on 28 October 1997. While it was not successful, it provided the pretext under which the Chiluba government cracked down on the opposition and severely curtailed the civil and political liberties of Zambians by imposing a state of emergency, which was only lifted as a result of donor pressure.²⁹⁷

While Zambia’s donors are not responsible for corruption and mismanagement, which undoubtedly contributed to its economic decline during the 1990s, they made it next to impossible for the Chiluba government to prove to its supporters that democracy can go hand in hand with reducing poverty. Poverty reduction simply cannot be achieved through drastic cuts of public expenditure on social welfare or through the large-scale privatization of national assets without enabling the poor to benefit from that

²⁹⁵ *Africa Confidential*, Vol. 37, No. 13 (21 June 1996), p. 1.

²⁹⁶ Simon 2002: p. 39.

through micro-credit programs for instance. Through their insistence that the Zambian government implement fairly drastic and politically disruptive SAPs Zambia's donors undoubtedly contributed to the fall of Kaunda, but by pushing Chiluba to continue on the exact same course his predecessor had reluctantly embarked upon, they did not increase the prospects for democratic consolidation in Zambia. In this context Burnell pointed out that "the narrowing of Zambia's economic and social policy options by the international financial institutions makes it difficult for [Zambia's opposition] parties to offer the electorate radically different solutions to the country's serious financial, economic and social problems. They can compete in the sense of opposing the people in power, but have only very limited scope to contest government policy".²⁹⁸ This means that the implementation of SAPs made it less likely that political parties, which can be differentiated mainly by ideology or programmatic concerns rather than by ethnoregional criteria, will emerge in Zambia in the foreseeable future. In short, the implementation of neo-liberal SAPs during the 1990s did not increase the prospects for democratic consolidation in Zambia.²⁹⁹

Even so the prospects for democratic consolidation in Zambia are not all that great, there are some positive signs as well. Among them are Zambia's high rate of urbanization and the existence of a relatively large middle class. Furthermore, Zambia has a fairly vibrant and diverse civil society, which played a crucial role in thwarting Chiluba's third term ambitions in 2001. Finally, Zambia's new President, Levy P. Mwanawasa, might be more willing to fight corruption and carry out substantive

²⁹⁷ See Simon 2002: pp. 23-42; and chapter 5.3.4 of this thesis.

²⁹⁸ Burnell 2001: p. 259.

reforms than Chiluba. Even so, his coming to power as the result of a seriously flawed election highlights once more the need for substantive reforms.³⁰⁰

²⁹⁹ See White 1995: p. 70; Mkandawire 1999: pp. 125-133; and Burnell 2001: pp. 259-260.

³⁰⁰ See chapter 6.3.5 of this thesis.

CHAPTER 7

COMPARATIVE PERSPECTIVES

The main purpose of this chapter is to lay the groundwork for identifying which independent variables may explain the different trajectories the democratization process has taken in Kenya, Malawi and Zambia during the 1990s. This will be done by comparing the historical context, political liberalization, democratic transition / democratization and the prospects for democratic consolidation in Kenya, Malawi and Zambia. Among the issues to be addressed in this context are the nature of the *ancien régime*, the role of donors, the structure of civil society, the formation of political parties, the multiparty elections and the constitutional reform process.

7.1 Historical Context

In Malawi as well as in Zambia, opposition to the Federation of Rhodesia and Nyasaland (FRN) was an important element of the struggle for independence and facilitated the formation of political movements.³⁰¹ In the years prior to independence differences emerged between the political leaders who were involved in the anti-colonial struggle in Kenya, Malawi and Zambia. In Kenya these differences led to the formation of two political parties, namely, the Kenya African National Union (KANU) and the Kenya African Democratic Union (KADU). The former brought together the larger, more educated, more urbanized, and more politically mobilized ethnic groups, while the latter brought together the less educated, less urbanized and less mobilized

³⁰¹ These political movements were the Nyasaland African Congress (NAC) in Malawi and the Northern Rhodesia African National Congress (ANC) in Zambia.

ethnic groups who feared that KANU would not give adequate consideration to their interests. In Zambia a new political party (UNIP) emerged out of the Northern Rhodesia African National Congress (ANC), which was founded in 1951. The relatively early formation of a political party in Zambia had its roots in the high degree of urbanization due to the establishment of copper mines by the British and the resulting politicization of the mine-workers. UNIP's leadership favored a more radical approach to the anti-colonial struggle than the ANC. In contrast to Kenya and Zambia, in Malawi different parties with a considerable following did not emerge prior to independence. This was mainly due to the fact that the fairly young leaders of the independence movement gave the returning medical doctor and political leader, Hastings Banda, too much power. While they were hoping Banda would lead the struggle for independence and then retire from politics, Banda used his powers to transform the Malawi Congress Party (MCP), which was supported by various ethnic groups across Malawi's three regions, into his personal instrument and to crush any kind of opposition. Shortly after Malawi had gained its independence in 1964 Banda dismissed various cabinet ministers who disagreed with him on a wide range of programmatic and ideological issues. By then Banda had already established a highly authoritarian regime. Therefore the dismissed cabinet ministers were no longer able to form an opposition party and were forced into exile instead.³⁰²

As former British colonies Kenya, Malawi and Zambia gained independence under parliamentary systems that were designed after the Westminster model of democracy. However, all three countries changed their constitutions soon after they had

³⁰² See chapters 4.1; 5.1; and 6.1 of this thesis.

gained independence. They all replaced their parliamentary systems with presidential systems and their multiparty systems with one-party systems. Malawi, which already had a *de facto* one-party system prior to independence³⁰³, was the first country to establish a *de jure* one-party system in 1966. By then its parliament was a mere rubber stamp whose MPs were hand picked by Banda. Kenya became a *de facto* one-party state for the first time in 1964 when Kenyatta succeeded in persuading literally all members of KADU to join KANU by using a combination of carrots and sticks. However, the influx of fairly conservative KADU politicians such as Daniel arap Moi led to tensions within KANU between moderate and more radical politicians. As a result Kenya's first Vice-President, Jaramogi Oginga Odinga, left KANU and founded a new political party, the Kenya People's Union (KPU) in 1966. However, his attempt to establish a party that could be clearly distinguished from KANU on the basis of a different ideological and programmatic orientation and not on the basis of being supported by a different ethnic group, failed. In subsequent by-elections out of the 29 MPs that had left KANU to join KPU only nine, mainly members of the Luo ethnic group from the Nyanza Province, retained their National Assembly seats.³⁰⁴ Kenyatta was not willing to tolerate another political party besides KANU and in 1969 KPU was banned and its leaders detained. Even so Kenya did not become a *de jure* one-party state until 1982 the formation of a new political party would not have been tolerated after KPU was banned in 1969. This is obvious by the fact that Moi changed the constitution to make Kenya a *de jure* one-party state in response to another attempt by Odinga to form an opposition party.

³⁰³ MCP received 99% of the vote of enfranchised Africans in the 1961 Legislative Council elections.

³⁰⁴ The fact that only nine out of 29 former KANU MPs retained their seats can at least partly be attributed to ethnic pressure and rigging.

Among the three countries compared in this thesis Zambia retained a fairly well functioning multiparty system much longer than Malawi and Kenya, namely, from 1964 until 1972. Unlike Kenyatta in Kenya, Kaunda in Zambia did not succeed in convincing the members of the ANC to join UNIP. ANC managed to maintain its support from the Tonga ethnic group in Zambia's Southern Province. In 1966 politicians from the Lozi ethnic group in the Western Province formed a new political party, the United Party (UP). After it was banned in August 1968 its leaders joined the ANC and as a result it did fairly well during the parliamentary and presidential elections in 1968. In 1971 UNIP's dominant position within the multiparty system was seriously threatened when Zambia's former Vice-President, Simon Kapwepwe, who belonged to the populous Bemba ethnic group, founded a new political party, the United Progressive Party (UPP). In response Kaunda, who had originally hopped to achieve his goal of a one-party system through the ballot box and consensual techniques, announced the formation of a "one-party participatory democracy" in December 1972 and in August 1973 Zambia's new constitution entered into force making Zambia a *de jure* one-party state.³⁰⁵

Among the three countries compared in this study Malawi was the most authoritarian. Just a few years after independence Banda had established complete control over Malawi's political system. An important tool in controlling every aspect of the country's political life were the Malawi Young Pioneers (MYP). By 1987 this paramilitary force had about 60,000 members who served as the eyes and ears of the regime, especially in rural areas. Besides the MYP the Banda regime adopted highly repressive laws to suppress any form of opposition in the country. For instance, under

³⁰⁵ See chapters 4.1; 5.1; and 6.1 of this thesis.

the Censorship and Control of Entertainment Bill of 1968 anyone who published “anything likely to undermine the authority of, or public confidence in, the government”³⁰⁶ could be punished with imprisonment. Malawi’s two newspapers and its radio station were owned and run by the government and foreign journalists were barred from working in Malawi. Independent civil society organizations did not exist and even the church was scrutinized by the Banda regime.³⁰⁷

While Kenyatta in Kenya suppressed competition between political parties, he allowed a certain degree of competition within KANU as long as this did not directly challenge his authority. For instance, under the system of semi-competitive elections established by him more than one KANU member could compete in each constituency for a seat in the National Assembly, which led to a relatively high turn-over and reshuffling of personnel within Kenya’s clientelist structures. Furthermore, under Kenyatta Kenya’s political system had a professionally run and fairly independent judiciary, relatively free print media³⁰⁸, and a fairly vibrant civil society. Kenya’s civil society included professional associations such as the Law Society of Kenya (LSK), economic interest groups such as trade unions and business associations as well as church organizations of various denominations and ethnic welfare associations. Under Moi’s presidency the Kenyan political system became more authoritarian especially since the mid-1980s. Moi banned all ethnic welfare associations, introduced the *de jure* one-party system and replaced the secret ballot in the party primaries with a queuing system. As a result of the introduction of the queuing system the National Assembly

³⁰⁶ Quoted after Cullen 1994: p. 18.

³⁰⁷ See chapter 5.1 of this thesis.

was deprived of its watchdog role vis-à-vis the executive. Moi also reduced the independence of Kenya's civil society by forcing the Central Organization of Trade Unions (COTU) and Kenya's largest women's organization to affiliate with KANU, which was increasingly used to control Kenya's political life.³⁰⁹

Besides maintaining a multiparty system much longer than Kenya and Malawi, Zambia also had the most vibrant and independent civil society among the three countries. During Zambia's Second Republic (1973-1990) even the state controlled print media retained their ability to criticize the government - at least to a certain extent. The church run newspaper, "National Mirror", played an important role in uncovering various corruption scandals. Also Zambia's students were quite active during the Second Republic. For instance, between 1971 and 1984 they organized four large demonstrations against government corruption. In contrast to Malawi and Kenya, Zambia is much more urbanized and its working class is highly organized. For instance, by 1980 Zambia's Congress of Trade Unions (ZCTU) had 380,000 members, which was almost twice as high as that of UNIP. Despite Kaunda's efforts to bring the trade unions under his control he failed to do so³¹⁰, which enabled the trade unions and ZCTU under the leadership of Chiluba to remain one of the most vocal critics of the Zambian government during the Second Republic. In sum, while also Zambia's National Assembly was merely a rubber stamp and UNIP was used to control political life like MCP in Malawi and KANU in Kenya, Zambia still was the least authoritarian regime

³⁰⁸ Unlike Malawi, many foreign correspondents were based in Kenya's capital Nairobi.

³⁰⁹ See chapter 4.1 of this thesis.

³¹⁰ One possible explanation for this could be that the trade unions were relatively well funded as a result of membership fees and therefore offers of well paid government positions to ZCTU's leaders were not all that attractive.

prior to the onset of the democratization process in the early 1990s. This can be at least partly explained by the fact that Kaunda did not use his presidential powers as extensively as Banda did in Malawi and Moi did in Kenya because of his Christian beliefs and his rootedness in the concept of *Zambian Humanism*.³¹¹

7.2 Political Liberalization

Neither Moi nor Banda or Kaunda were willing to embark on political liberalization by themselves. All three leaders argued against the return to a multiparty system. It was a combination of internal and external pressure that brought about political liberalization in Kenya, Malawi and Zambia.

In Kenya, churches and lawyers played an important role in criticizing the increasingly authoritarian character of the Moi regime since the mid-1980s. They were uniquely positioned to do so because of the following reasons. First, they occupied a “political space which government could not interfere with without dragging down the entire political and ideological facade of constitutionalism and legalism”.³¹² Second, they possessed organizational advantages they could use to protect themselves and others. For instance, church sermons were less subject to state controls and bans. This enabled especially younger clergy to preach the Gospel against state oppression. Furthermore, Kenya’s churches and lawyers had various ties to churches and lawyers in other countries, which made it less likely that the Moi regime would put them under too much pressure, since it did not want to draw the attention of the international

³¹¹ See chapter 6.1 of this thesis.

³¹² Muigai 1993: p. 26.

community on its authoritarian practices and human rights abuses. The deteriorating economic situation and the increasing alienation of Kikuyu leaders with the Kalenjin-dominated Moi regime were among the causes for a broadening of opposition to the Moi regime in 1990. During that year the churches and lawyers were joined by leading Kikuyu politicians in their demands for Kenya's return to the multiparty system. However, this was still not sufficient to put the Moi regime under enough pressure to bring about a return to the multiparty system. After all, Kenya's internal opposition had a fairly limited social base. Its support was confined mainly to the urban middle and upper classes, while peasants and workers were not able to mobilize massive opposition against the Moi regime, since they did not possess an independent organizational structure outside KANU. Therefore only considerable donor pressure in form of political conditionalities forced the highly aid dependent Moi regime to return to the multiparty system in December 1991.³¹³

In Kenya and in Malawi the churches played an important role in bringing about political liberalization. However, unlike Kenya where various church leaders acted on their own initiative when criticizing the Moi regime, Malawi's Catholic bishops only wrote the pastoral letter of 8 March 1992 after they were encouraged by the Pope to do so. This underlines the highly repressive character of the Banda regime that did not allow any form of dissent and that created a climate of fear throughout the country. However, once the ice was broken by the Catholic bishops Malawi's Protestant churches also began to criticize the Banda regime and demanded political changes. For instance, in August 1992 the Christian Council of Malawi (CCM), which represents

³¹³ See chapter 4.2 of this thesis.

various Protestant churches, sent an open letter to the government demanding the holding of a referendum to enable the people to decide whether they want a multiparty system. However, like in Kenya the churches and other civil society groups alone were not able to bring about multiparty politics. Only donor pressure forced the highly aid dependent Banda regime to agree to the opposition demand to hold a referendum.³¹⁴ Banda was convinced that the majority of Malawians would favor the continuation of the one-party system. This perception demonstrates how detached he was from the majority of Malawians. Regarding the procedural details of the referendum it was again the international community in form of the United Nations that was able to convince Banda to agree to the opposition demands to hold the referendum at a later date and to use one instead of two ballot boxes.³¹⁵

Like Kenya, Zambia experienced economic decline during the 1980s. However, unlike Kenya, where the economic decline helped to broaden the already existing opposition to the Moi regime, Zambia's dramatic economic decline basically brought about political liberalization. The economic decline deprived the Kaunda government of the financial resources needed to maintain its extensive patronage networks. To obtain new loans the government had to implement various SAPs. The social costs that resulted from their implementation, which required drastic subsidy cuts for Zambia's main food staple, maize meal, galvanized Zambia's urban poor into action against the Kaunda government, which they blamed for their misery. Unlike Malawi, where workers engaged in some spontaneous and uncoordinated protests against the Banda

³¹⁴ It can be argued that the positive effect of suspending aid to Kenya in November 1991 encouraged donors to apply similar measures towards Malawi in May 1992.

³¹⁵ See chapter 5.2 of this thesis.

regime, in Zambia the trade unions were able to organize massive protests against the Kaunda government. Zambia's trade unions, which maintained a high degree of autonomy during the 1970s and 1980s, were at the forefront of the opposition against Kaunda and formed the core of Zambia's civil society. Unlike Kenya, where the opposition base was limited to the middle and upper class, in Zambia the opposition movement also included the significant portion of the urban working class that was organized in the trade unions. This gave the opposition movement in Zambia the ability to mobilize many more people against the Kaunda government on a sustained basis than the opposition movement in Kenya was able to mobilize against the Moi government. In sum, the existence of a strong trade union movement that could be mobilized against the Kaunda regime enabled Zambia's opposition to bring about political liberalization basically on its own. In contrast to Kenya and Malawi, Zambia's donors did not have to impose political conditionalities to bring about political liberalization because of the existence of a strong trade union movement. However, the economic conditionalities they imposed in the context of SAPs contributed to the delegitimatization of the Kaunda government and enabled opposition leaders to mobilize the urban population against the one-party system.³¹⁶

7.3 Democratic Transition / Democratization

The comparative remarks on democratic transition / democratization in Kenya, Malawi and Zambia will be analyzed as follows. First, the process of party formation in the three countries will be looked at from a comparative perspective. Second, the period

³¹⁶ See chapter 6.2 of this thesis.

prior to and the results of the multiparty elections in Kenya (1992 and 1997), in Malawi (1994 and 1999), and in Zambia (1991, 1996 and 2001) will be considered from a comparative perspective. In this context the question to which extent there was a level playing field prior the elections will be addressed among other issues. Third, the constitutional reform process in Kenya, Malawi and Zambia during the 1990s will be analyzed.

7.3.1 Formation of Political Parties³¹⁷

After the *de jure* one-party system ceased to exist in Kenya, Malawi and Zambia, various new political parties emerged. In Kenya the Forum for the Restoration of Democracy (FORD), which was formed in August 1991 as a broad based pressure group for constitutional reforms and multiparty democracy, became the first political party to be registered on 31 December 1991 after Section 2(A) of the constitution had been repealed. It was soon followed by the Democratic Party (DP) of Mwai Kibaki. Ethnic considerations were the driving force behind the formation of DP. Since the leading figures of FORD Odinga and Shikuku belonged to the ethnic groups of the Luo and the Luhya respectively, members of Kenya's largest ethnic group, the Kikuyu, feared that their interests would not be adequately represented within FORD and urged the Kikuyu, Mwai Kibaki, to found his own political party. While FORD managed to attract a lot of support in early 1992, it ultimately failed to transform itself from a pressure group into a unified and viable party. A couple of months prior to the 1992 elections it split into two parties, FORD-Asili and FORD-Kenya. The main reason for

³¹⁷ The focus will be on political parties that gained a significant amount of votes during the elections.

FORD's split was that its two most influential leaders, the Kikuyu Kenneth Matiba and the Luo Oginga Odinga, both wanted to become Kenya's next president. After the 1992 elections new political parties emerged mainly as a result of three high profile defections from FORD-Kenya. While ethnicity was the driving force behind the revitalization of the National Development Party (NDP) as a result of Raila Odinga's defection, the revitalization of the Social Democratic Party (SDP) and the founding of Safina were not motivated primarily by ethnic considerations. The Luo Raila Odinga basically left FORD-Kenya, since he was not able to take over the party's leadership from the Luhya Kijana Wamalwa. Paul Muite and Kiraitu Murungi left FORD-Kenya to establish Safina as a multiethnic platform for reform together with Richard Leaky. Peter Anyang Nyong'o left FORD-Kenya and joined the SDP in the hope of establishing a party that focused on the social costs of SAPs.³¹⁸

While in Kenya only one pressure group for multiparty democracy emerged during the period of political liberalization. In Malawi, two such pressure groups emerged. One was the Alliance for Democracy (AFORD), which was led by the trade unionist Chakufwa Chihana from Malawi's Northern Region. AFORD was supported mainly by northern intellectuals many of whom had served lengthy prison terms for dissident political activities. The other one was the United Democratic Front (UDF), which was led by the businessman Bakili Muluzi from Malawi's Southern Region. UDF was supported mainly by businessmen of the southern city of Blantyre, Malawi's commercial center. Many of UDF's members like Muluzi himself had been members of the Malawi Congress Party (MCP) who had fallen out with Banda. After a clear

³¹⁸ See chapters 4.3.1; and 4.3.3 of this thesis.

majority had voted for the multiparty system in the 1993 referendum AFORD and UDF transformed themselves into fairly stable political parties. As in Kenya, the leaders of both parties wanted to become Malawi's next president. However, unlike Kenya one of them, Muluzi, was able to do so, since the opposition vote was split only between two major parties and not between three like in Kenya and since the playing field prior to the elections was more level in Malawi than in Kenya as will be shown in chapter 7.3.2. Between the 1994 and the 1999 elections no new parties of any significance emerged in Malawi. However, it is likely that new political parties will emerge prior to the 2004 elections.³¹⁹

As in Kenya and Malawi, the Movement for Multiparty Democracy (MMD) was formed in Zambia as a pressure group during the period of political liberalization. Unlike FORD in Kenya, MMD managed to maintain enough cohesion prior to the first multiparty elections to avoid breaking apart even so there was a danger of that happening during the MMD convention in early 1991 when a number of powerful businessmen expressed their displeasure with the election of the trade unionist Frederick Chiluba as MMD's presidential candidate. However, soon after the 1991 elections, which were won overwhelmingly by the MMD, it became obvious that the MMD had "failed to transform itself from a loose coalition of elites opposed to Kaunda to an integrated political party committed to well articulated ideological goals of development".³²⁰ The main reason for this was that only thing that kept the diverse interests within MMD under one roof was their opposition to Kaunda. After MMD had

³¹⁹ See chapters 5.2; 5.3.1; and 5.4 of this thesis.

³²⁰ Osei-Hwedie 1998: p. 233.

won the elections there was nothing left to keep them under one roof. As a result various new parties emerged in two waves. The first wave occurred prior to the 1996 elections. It started as a response to the dominant position of Bemba-speaking businessmen from Zambia's Luapula and Northern provinces within the Chiluba government, which led to the marginalization of politicians from other regions and ethnic groups. Subsequently they left the MMD and formed their own political parties. For instance, the former Minister of Mines and Mineral Development, Humphrey Mulemga, who was from Zambia's North-Western Province left the MMD and founded the National Party (NP), while the former Minister of Science, Technology Education and Vocational Training, Akashambatwa Mbikusita-Lewanika, who was from Zambia's Western Province, left MMD and established another party with the name Agenda for Zambia (AZ). However, like in Kenya ethnicity and regionalism was not the driving force beyond the formation of all new political parties. Like Safina in Kenya, Zambia's National Lima Party (NLP) was formed with the intention to appeal to voters from all of Zambia's regions and ethnic groups. In NLP's case its founders hoped to appeal to farmers from all of Zambia's nine provinces. The second wave occurred before the 2001 elections as a result of a struggle over who would become MMD's presidential candidate. The formation of the Zambia Republican Party (ZRP), the Forum for Democracy and Development (FDD), the Heritage Party (HP), and the Patriotic Front (PF) can be attributed to that. All these parties were founded by high-ranking members of the Chiluba government who had either left the MMD or were dismissed by Chiluba.³²¹

³²¹ See chapters 6.3.1, 6.3.4, and 6.3.5 of this thesis.

Most of the political parties that emerged since the early 1990s in Kenya, Malawi and Zambia did so along ethnic and / or regional lines. The main reason for this was the absence of ideological or programmatic differences between them. In other words, “the lack of emphasis on political issues and the negligible role of class in politics, leave [...] [ethnic and regional] attachments as the force most readily mobilized in politics by the competing elites”.³²² Furthermore, the actions of most politicians in Kenya, Malawi and Zambia during the past ten years have been guided predominantly by personal opportunism. Political careerism and competition over spoils were the main driving forces beyond politicians’ action and not serious disagreements over ideology or programs. This also explains why most of them felt no strong commitment to any one party and crossed freely between them. Finally, the main motivation behind the formation of new political parties often was to provide a means for their leaders to realize their presidential aspirations as was the case in Zambia prior to the 2001 elections.³²³

7.3.2 The Multiparty Elections

In Kenya, Malawi and in Zambia the incumbents applied a variety of measures prior to the each multiparty election to influence its outcome in their favor. However, there was considerable variation concerning the extent to which these measures resulted in a playing field that was not level. In Kenya President Moi used a variety of measures prior to the 1992 and the 1997 elections to ensure that there was no level playing field.

³²² Osei-Hwedie 1998: p. 231.

³²³ See Osei-Hwedie 1998: pp. 231-244; and Burnell 2001: pp. 244 and 253.

For instance, prior to the 1992 elections the Moi regime made it next to impossible for the opposition parties to run effective campaigns throughout the country. Provincial administrations frequently delayed the registration of local branches of opposition parties and permissions for the holding of political rallies of opposition parties were frequently denied, while KANU held many rallies without even having to obtain a permit. Even worse, the Moi government declared parts of the Rift Valley Province and the entire North-Eastern Province as “KANU-only” areas and denied opposition politicians any kind of access. Also Kenya’s Electoral Commission was everything but independent. Moi refused to reconstitute the Commission to include commissioners acceptable to all parties. He preferred to stick to the commissioners he had appointed prior to the reintroduction of the multiparty system. Therefore it came as no surprise that the Commission failed to redraw the boundaries of Kenya’s 188 constituencies to ensure the principle of one person one vote. Instead it left in place constituency boundaries that clearly favored KANU. The Commission in tandem with the local administrations also mismanaged the voter registration process leaving thousands of young Kenyan’s unable to register. Finally, the campaign coverage of the government controlled Kenya Broadcasting Cooperation (KBC) was clearly biased in favor of KANU. Kenya’s fairly independent print media could not counterbalance the biased coverage by KBC in the face of low literacy levels especially in rural areas.³²⁴

In marked contrast to Kenya, the playing field was much more level in Malawi prior to the 1994 elections. Unlike Moi, Banda appointed representatives of all political parties to Malawi’s Electoral Commission. Malawi’s Commission set up committees to

³²⁴ See chapter 4.3.2 of this thesis.

deal with a wide range of issues such as civic education, the media, election administration, and violence and intimidation. The high degree of independence of Malawi's Commission was underlined by the fact that it censured the MCP without reservation "when it tried to intimidate voters or to use government resources for its campaign and propaganda".³²⁵ Furthermore, Malawi's Electoral Commission also managed to quite some extent to prevent MCP from using the Malawi Broadcasting Cooperation (MCP) in its favor by issuing and enforcing compliance with its media guidelines. In short, while the Banda regime also tried to influence the outcome of the 1994 elections in its favor especially in its stronghold, the Central Region, the playing field was considerably more level in Malawi than it was in Kenya prior to the first multiparty elections. This seems to be quite surprising considering the fact that the Banda regime was more authoritarian than the Moi regime prior to the onset of the democratization process. Among the possible explanations for this striking difference could be that the humiliation of the Banda regime in the 1993 referendum contributed to its willingness to make concessions prior to the 1994 elections. Furthermore Malawi's high aid dependency and the old age of Banda, who was quite sick and detached from the people, made it less likely that Banda would manipulate the political process in his favor to the extent Moi did in Kenya.³²⁶

As in Kenya and Malawi, the government in Zambia tried to influence the outcome of the first multiparty elections in its favor. Similar to Kenya but unlike Malawi, Zambia's Electoral Commission was biased in favor of the government. For

³²⁵ M'Inoti 1998: p. 634.

³²⁶ See M'Inoti 1998: pp. 631-637; and chapters 5.3.2; and 5.3.4; of this thesis.

instance, when it drew 25 new electoral districts it favored rural constituencies where UNIP's support was thought to be strongest. Furthermore, UNIP used state resources to support its campaign and the campaign reporting of the Zambian National Broadcasting Company (ZNBC) was clearly biased in favor of Kaunda and UNIP. However, considering the broad-based support MMD enjoyed all over the country, Kaunda's and UNIP's efforts to influence the outcome of the elections in their favor did not really have an impact on the outcome of the elections.³²⁷

Compared with the first multiparty elections the playing field prior to the second multiparty elections was somewhat more level in Kenya and much less level in Malawi and in Zambia. Compared with the 1992 elections there have been some modest improvements regarding the 1997 elections in Kenya. For instance, opposition members were appointed to the Electoral Commission and the opposition parties could campaign somewhat more freely in the entire country and had access to the government-run media. However, it would be wrong to believe that the playing field was level prior to the 1997 elections, since many of the reforms aimed at leveling the playing field prior to the 1997 elections were implemented just a few weeks prior to the elections and therefore did not really make that much of a difference anymore. In Malawi, the Muluzi government applied some of the same measures the Moi government did in 1992 prior to the 1999 elections to increase its chances to win them. For instance, Muluzi appointed a new Electoral Commission in July 1998, which was more pro UDF than the old one. This became quite obvious when the Commission proposed to create 70 new electoral districts out of which 42 would have been in the UDF dominated Southern

³²⁷ See chapters 6.3.2; and 6.3.3 of this thesis.

Region. Furthermore the Commission tried to bloc the joint presidential ticket of MCP and AFORD without success. The Muluzi government also used state resources and the Malawi Broadcasting Cooperation (MBC) in its favor. That's why MBC was called by some the Muluzi Broadcasting Cooperation. In Zambia the Chiluba government not only used state resources and the media in its favor and appointed a pro MMD Electoral Commission that mismanaged the voter registration process, but it also changed the constitution with the aim to bar its main challenger Kaunda from running.³²⁸

In Kenya, Malawi and Zambia policy debates hardly took place during the campaigns. As a result the politicians used ethnicity and regional affiliations to mobilize voters. Consequently, voting mainly took place along ethnoregional lines with ethnicity being somewhat more salient in Kenya and regionalism being somewhat more salient in Malawi. In contrast to Kenya and Zambia, in Malawi the two main opposition parties AFORD and MCP managed to join forces prior to the 1999 elections and by doing so almost unseated the Muluzi government and probably would have done so if there would have been a level playing field.³²⁹

7.3.3 The Constitutional Reform Process

During the 1990s Kenya, Malawi and Zambia undertook efforts to reform their constitutions. There was quite some variation regarding this process between the three countries. Prior to the first multiparty elections Malawi undertook the most significant constitutional changes out of the three countries. In Malawi the National Consultative

³²⁸ See chapters 4.3.3; 5.3.5; and 6.3.4 of this thesis.

³²⁹ See chapters 4.3.2; 4.3.3; 5.3.4; 5.3.5; 6.3.3; 6.3.4; and 6.3.5 of this thesis.

Council (NCC), which was composed of representatives of all of Malawi's registered parties, was mandated to draft a new constitution. It managed to prepare a constitution that can be considered as a significant improvement especially in the area of political and civil rights compared with the old one. However, the drafting process was rushed and mainly dominated by Malawi's political parties. Some of them like AFORD were not really interested in making substantive changes such as reducing the powers of the president, since their leaders hoped to become Malawi's next president and therefore did not want its powers to be curtailed. The general public was hardly involved in the drafting of the new constitution and also the input of Malawi's still rather weak civil society was minimal. In February 1995 a conference took place to review Malawi's new constitution, which was adopted prior to the 1994 elections on an interim basis. This conference was attended by representatives of Malawi's political parties as well as various civil society organizations. However, its decisions were not binding and the final decisions were made by parliament, which simply ignored the decisions of the conference it did not agree with such as the elimination of the position of a second vice president. As a result the new constitution that was adopted in May 1995 was not much different from the interim constitution and lacked popular legitimacy.³³⁰

As in Malawi, also in Zambia efforts were made to draft a new constitution prior to the first multiparty elections. However, unlike in Malawi the opposition refused to participate in the work of the Constitutional Commission, since it objected to its pro-government character. Consequently, the MMD rejected the draft constitution that was proposed by the Commission and threatened to boycott the elections. It criticized that

³³⁰ See chapters 5.3.2; and 5.3 .5 of this thesis.

too much power was vested in the president. As a result of mediation efforts by university students and the Anglican church a compromise that resulted in some minor changes was reached and Zambia's parliament adopted a new constitution in August 1991. Similar to Malawi, the input of the general population and civil society was minimal during the drafting process. In December 1993 Chiluba established a Constitutional Review Commission, which made an effort to obtain the views from people all over the country. However, like in Malawi its recommendations were not binding and the Chiluba government was not interested in a broad-based public discussion and debate of the proposals of the Commission. It rejected all new rights and enhancements in the Bill of Rights and only accepted its own recommendations to the Commission that effectively barred Kaunda from contesting the 1996 elections. In short, constitutional reform under the Chiluba government did not really deserve that name, since it was used as a means to ensure Chiluba's reelection in 1996.³³¹

Unlike Malawi and Zambia, no constitutional reforms took place in Kenya prior to the first multiparty elections. The only constitutional changes that took place were aimed at ensuring that Moi would win the elections. The lack of a level playing field prior to the 1992 elections was one of the major reasons for Kenya's civil society to push for constitutional changes to create a more level playing field prior to the 1997 elections. In contrast to Malawi and Zambia where the ability of civil society to influence the constitutional reform process was quite limited, in Kenya civil society was the driving force behind it. For instance, Kenya's Citizens Coalition for Constitutional Change (CCCC) incorporated more than fifty civil society groups and had an estimated

³³¹ See chapters 6.3.2; and 6.3.4 of this thesis.

four million members. However, the Moi regime refused to talk with representatives of civil society and managed to split the broad-based movement for constitutional change. Prior to the 1997 elections Kenya's political parties agreed on a package of minimal reforms, which created a somewhat more level playing field. After the 1997 elections Kenya's civil society kept the issue of constitutional reform on the front burner by launching a people-driven constitutional review process, which became known as the Ufungamano Initiative. It remains to be seen whether its incorporation into the Constitution of Kenya Review Commission increased its influence on the constitutional reform process. In short, while the broad involvement of civil society groups in Kenya's constitutional reform efforts is encouraging, comprehensive constitutional reforms still have not yet taken place and probably won't take place as long as Moi is in power.³³²

7.4 Prospects for Democratic Consolidation

So far certain elements of democracy such as regular elections have more or less survived in Kenya, Malawi and Zambia and a return to authoritarian rule is quite unlikely in any of the three countries.³³³ However, the process of democratic consolidation has not yet started in the three countries. While Malawi and Zambia experienced a democratic change in leadership, Kenya has not yet done so. After the quite promising changes in the leadership of Malawi and Zambia by the ballot and not by the bullet as was the case in many other African countries in the past, the political

³³² See chapters 4.3.2; 4.3.3; and 4.3.4 of this thesis.

³³³ In all three countries people have enjoyed significantly more freedoms under the multiparty system than under the one-party system and are not willing to give up these freedoms again. Furthermore all three countries are dependent on foreign aid and donors would not accept their backsliding into authoritarian rule.

developments in both countries after the first multiparty elections did not increase the prospects for democratic consolidation. The leaders of both countries manipulated the political process to ensure or at least to significantly increase their chances of winning the second multiparty elections. However, when they tried to bring about constitutional changes to run for a third term, they did not succeed mainly due to popular opposition. In both countries various civil society groups such as the churches opposed the third-term ambitions of Chiluba and Muluzi vehemently. The ability of civil society to mobilize against undemocratic tendencies in both countries increases the prospects for democratic consolidation. In the context of Malawi the relative independence of its judiciary is quite positive and in Zambia its new President Levy Mwanawasa seems to be quite serious in bringing about much needed reforms and in rooting out corruption. For instance, in a fairly bold step on 11 July 2002 he asked Zambia's parliament to lift Chiluba's immunity so that "the government can put him on trial on charges of corruption and abuse of office".³³⁴ Kenya's prospects for democratic consolidation will depend to a certain extent on the outcome of the still ongoing constitutional reform process. A new constitution that reduces the powers of the president would increase the prospects for democratic consolidation. Compared with Malawi and Zambia, in Kenya the conditions are more conducive for the development of a democratic political culture throughout the country. For instance, more than 28,000 Kenyans from rural and urban areas worked as local election observers during the 1997 elections. Furthermore, civil

³³⁴ "Zambians back president's bid to try predecessor" by Shapi Shacinda, *Reuters News*, 12 July 2002.

society organizations played a crucial role in pushing forward the country's constitutional reform process.³³⁵

While certain elements of democracy became more entrenched in Kenya, Malawi and Zambia during the last ten years, formidable challenges remain on the road to democratic consolidation in all three countries. Among them are the high levels of poverty, low literacy rates, the debt burden and the devastating impact of the HIV/AIDS disease. Furthermore, the salience of ethnicity and regionalism often reduces the political process to a zero-sum game in which different groups try to gain control of the state and its resources. The replacement of the first-past-the-post electoral system with a mixed or a proportional electoral system as well as the formation of political parties that appeal to voters across different ethnic groups and regions are among the measures that might increase the prospects for democratic consolidation in Kenya, Malawi and Zambia.

³³⁵ See chapters 4.4; 5.4; and 6.4 of this thesis.

CHAPTER 8

CONCLUSION

The final chapter of this study has three parts. First, several independent variables will be identified that may explain some of the variation in the dependent variable. Second, it will be discussed which adjectives best describe what type of democracy emerged in Kenya, Malawi and Zambia during the last ten years. This discussion will be based on Diamond's typology that was introduced in chapter two. Finally, various measures will be suggested for possibly increasing the prospects for democratic consolidation in the countries that are the focus of this thesis.

In contrast to case studies of the democratization process in Kenya, Malawi and Zambia done independently from each other, the comparative method, which is applied in this study, provides a better foundation for identifying which independent variables can be used to explain the variation in the dependent variable. The dependent variable of this study is the trajectory of the democratization process in Kenya, Malawi, and Zambia during the 1990s. The variation in the dependent variable can be summarized as follows: The first multiparty elections in Malawi and Zambia resulted in a peaceful transfer of power from Banda to Muluzi and from Kaunda to Chiluba respectively, while in Kenya Moi managed to win the first and the second multiparty elections. During the 1990s a fairly stable party system emerged in Malawi, consisting of three parties (UDF, AFORD and MCP), while in Kenya and in Zambia the party system was much less stable. In Kenya various new political parties emerged after the 1992 elections and in Zambia a number of new political parties emerged basically in two

waves prior to the 1996 and the 2001 elections. In Kenya, civil society was the driving force beyond the constitutional reform process, while in Malawi and Zambia civil society was hardly involved. Several of the independent variables that may explain the variation in the dependent variable are described below.

The independent variable “structure of civil society” explains some of the variation in the dependent variable. For instance, it can be used to explain why the opposition was able to defeat Kaunda in Zambia but was unable to defeat Moi in Kenya. The existence of a strong trade union movement, which was the core of Zambia’s civil society during the period of political liberalization, enabled the opposition to easily mobilize thousands of formal sector workers who were organized in trade unions against the Kaunda government. This provided the opposition movement with broad-based support. As a result of the severe economic decline and the social costs of the SAPs that were implemented by the Kaunda government, it had become extremely unpopular, which facilitated the formation of a broad-based protest movement, the MMD. The MMD could use the already existing organizational structure of the trade unions to quickly establish an efficient and effective party infrastructure throughout the country. In Kenya the opposition movement was mainly led by clerics, lawyers and former politicians. They were not in a position to organize equally large mass-protests against Moi, since they did not have the same experience and organizational infrastructure at their disposal as the trade union leaders in Zambia who were quite experienced in organizing large strikes already prior to the onset of the democratization process.

In contrast to Kenya and Zambia, the independent variable “structure of civil society” cannot be used to explain the different trajectories of the democratization process in Kenya and Malawi, since a peaceful change in leadership occurred in Malawi, which has a weaker civil society than Kenya, while none occurred in Kenya. With regard to Kenya and Malawi the independent variable “role of donors” can be used to explain at least to some extent why Muluzi was able to replace Banda and why Moi was able to hold on to power. While in both countries donor-imposed political conditionalities were primarily responsible for the replacement of the one-party system with the multiparty system, in Malawi the degree of donor involvement prior to the first multiparty elections was considerably higher than in Kenya. In Kenya the role of donors was rather removed. They failed to ensure a level playing field prior to the elections and they endorsed the results of the seriously flawed 1992 elections fearing instability if they would not have done so. By refusing to apply more pressure against the Moi government Kenya’s donors basically sabotaged the efforts of various domestic actors to bring about a level playing field prior to the 1992 elections. In contrast to Kenya, in Malawi the donors played a much more proactive role prior to the 1994 elections. Coordinated by the United Nations Development Programme (UNDP) they assisted with the drafting of a new constitution and they “participated in every step of the transition process, guaranteeing that the plebiscite and the subsequent elections were reasonably free and fair”.³³⁶

Another independent variable that is of some value in explaining why Kaunda and Banda lost power in the first multiparty elections while Moi managed to hold on to

³³⁶ Brown 2000: p. 437.

power is the degree to which the incumbents believed they would win the elections. In Zambia and Malawi Kaunda and Banda were quite sure that they would win the elections they convened. This explains why they gave the international community quite some influence over the preparations for the first multiparty elections, which resulted in a playing field that was fairly level. In contrast to Banda and Kaunda, Moi was very well aware of the fact that his core support was limited to his own ethnic group, the Kalenjin and some other smaller ethnic groups like the Maasai and that he would have no choice of winning against an opposition that would bring together Kenya's largest ethnic groups, namely, the Kikuyu, the Luhya, and the Luo. For precisely this reason he gave the international community much less room to ensure that there was a level playing field prior to the elections and undertook various measures to increase his chances to emerge victorious from the first multiparty elections as has been illustrated in chapter 4.3.2.³³⁷

The independent variable "structure of civil society" is also quite useful in explaining why civil society was the driving force beyond the constitutional reform process in Kenya, while it was hardly involved in Malawi and Zambia. As has been illustrated in chapter 4.2 Kenya's legal profession managed to maintain a relatively high degree of independence from the Moi government during the 1980s. This enabled Kenya's Human Rights Commission and Law Society as well as its section of the International Commission of Jurists to become the driving force beyond the Citizens Coalition for Constitutional Change (CCCC), which grew rapidly and included more than fifty civil society groups and had an estimated 4 million members by the end of

³³⁷ See van de Walle 2002; p. 71.

1997. Besides the lawyers also Kenya's churches managed to maintain a high degree of autonomy during the 1980s. The fact that especially Kenya's younger clergy was preaching the Gospel against state oppression since the late 1980s politicized their congregations and explains why Kenya's churches joined forces with its legal community to push for constitutional reforms prior to and after the 1997 elections. Furthermore the recruitment, training and posting of 28,000 local observers for the 1997 elections by a coalition that brought together the Catholic Justice and Peace Commission (CJPC), the National Council of Churches of Kenya (NCCCK), and the Institute of Education for Democracy (IED) played an important role in preparing the ground for the Ufungamano Initiative for constitutional reform that emerged after the 1997 elections. In contrast to Kenya, the trade union movement was at the core of Zambia's civil society while its legal profession was by far not as active and numerous as the one in Kenya, which explains why Zambia's civil society was hardly involved in the constitutional reform process. Compared with Kenya and Zambia, Malawi's civil society was very weak as a result of the highly authoritarian Banda regime, which explains why Malawi's civil society was hardly able to influence the drafting of its interim constitution prior to the 1994 elections and its finalization thereafter. A comparison of the structure of Kenya's, Malawi's and Zambia's civil society reveals that there is a correlation between the degree of authoritarianism of the *ancien régime* and the structure of civil society.

A possible explanation for the fact that in Malawi a fairly stable party system emerged during the 1990s while this was not the case in Kenya and to a lesser extent in Zambia could be that in Malawi regionalism was the main cleavage along which

AFORD and UDF were formed while in Kenya and Zambia ethnicity played a more important role than regionalism as a cleavage along which political parties were formed.

According to the combined average rating of political rights and civil liberties by Freedom House for 2001-2002³³⁸ Kenya, Malawi and Zambia received the following ratings on a scale from 1.0 (free) to 7.0 (not free).³³⁹ Malawi and Zambia were both classified as partly free with ratings of 3.0 and 4.5 respectively, while Kenya was classified as not free with a rating of 5.5. Countries that are considered free by Freedom House fall into Larry Diamond's category of liberal democracies, countries that are considered partly free fall into Diamond's category of electoral democracies, and countries that are considered not free either fall into Diamond's categories of pseudodemocracies³⁴⁰ or purely authoritarian regimes. Consequently, according to the latest Freedom House ratings Malawi and Zambia could be characterized as electoral democracies, while Kenya could be characterized as pseudodemocracy. Based on the analysis of the political developments in Malawi and Zambia during the 1990s in chapters five and six it seems to be justified to categorize them as electoral democracies. During the years after the first multiparty elections, which have been reasonably free and fair, both countries have experienced some democratic backsliding. In both countries the constitutional reform process failed to increase 'horizontal' accountability by reducing the presidential powers in favor of the parliament and the

³³⁸ This rating is available on the web site of Freedom House (www.freedomhouse.org).

³³⁹ According the Freedom House a country with a rating between 1.0 and 2.5 is considered free. A country with a rating between 3.0 and 5.5 is considered partly free and a country with a rating between 5.5 and 7.0 is considered not free.

³⁴⁰ Besides the term "pseudodemocracy" also the terms "electoral authoritarian" and "hybrid" are used in the literature. In a recent article Diamond further divided *electoral authoritarian regimes* into

judiciary. Furthermore, the freedom of the press was restricted in both countries especially prior to the second multiparty elections. However, the most recent developments in both countries, especially the upholding of the norm in favor of term limits by civil society, suggests that the democratic backsliding has been reversed at least for now. Based on the analysis of the political developments in Kenya during the 1990s in chapter 4 the author of this study has certain reservations with the categorization of Kenya as a pseudodemocracy or as not free based on its 5.5 rating by Freedom House. While both multiparty elections during the 1990s have been flawed and political rights and civil liberties have been restricted to varying degrees, the fact that Kenya's vibrant and energetic civil society was the driving force beyond the country's constitutional reform process and that it recruited, trained and posted 28,000 local observers for the 1997 elections merits a somewhat better rating than 5.5 in the author's view. Furthermore, the fact that Moi won't stand again in the upcoming elections alone will most likely increase the power of Kenya's legislature and judiciary at least somewhat, since it will be hard for Moi to transfer his enormous personal power to his successor even if he tries to handpick him or her. This alone of course is not sufficient to increase the prospects for democratic consolidation in Kenya. In his recent article Nicolas van de Walle makes another point that gives reason for cautious optimism regarding the prospects for democratic consolidation in Kenya, Malawi and Zambia. He points to the phenomenon of institutional learning. "Since genuine democracy involves acquired behavior on the part of both individuals and institutions it stands to reason that the more experience a country has had with democratic decisions

competitive authoritarian ones and hegemonic electoral authoritarian ones (see Diamond 2002: p. 25).

(whether taken by voters, lawmakers, judges, or the press) the more likely it is to experience democratic learning. This is good news, particularly as this learning is likely to occur *even* if those processes are imperfect”.³⁴¹

To increase the prospects for democratic consolidation Kenya, Malawi and Zambia must carry out further constitutional and electoral reforms. These can be divided into minor and more substantive reforms. Among the minor reforms would be the introduction of the requirement that the president is elected with an absolute and not just a simple majority. If none of the candidates receives an absolute majority in the first round of voting, a run-off election would take place among the two top vote-getters. This would facilitate the formation of broad-based alliances and reduce the salience of ethno-regional considerations. Furthermore, constituency boundaries should be drawn in such a way that each constituency contains more or less the same number of voters and safeguards need to be in place to ensure the independence of the electoral commission. For instance, instead of being appointed by the president its members should be appointed or elected by parliament. Among the major reforms would be a significant reduction of the presidential powers in favor of the parliament and the judiciary. Furthermore a more inclusive political system should be designed to transform the political process from a zero-sum game into more of a win-win situation. An important step of creating such a more inclusive political system would be the replacement of the first-past-the-post electoral system with a proportional or a mixed electoral system. For instance, in a mixed system half of the MPs would be elected in constituencies on a plurality basis and the other half would be elected via party lists on a

³⁴¹ van de Walle 2002: p. 74. See also Herbst 2000: pp. 245-258; Ndegwa 2001: pp. 1-17; and van de Walle 2002: pp. 72-79.

proportional basis. Such an electoral system would ensure that half of the MP's would have direct ties to their constituencies and would be sensitive to issues of concern to them, while the other half would be elected on a proportional basis, which would ensure that also ethno-linguistic and religious minorities would achieve a certain level of parliamentary representation. Evidence from South Africa and Namibia suggests that a proportional or a mixed electoral system would encourage political parties to reach out to voters from other ethnic groups or regions and by doing so would promote the formation of cross-cutting cleavages around certain ideologies or policies. This would over time reduce the salience of primordial and parochial criteria in electoral politics and would replace them with different ideologies or policies, which would in turn lead to the creation of more stable party systems over time.³⁴²

Besides the various electoral and constitutional reforms outlined above bi- and multilateral donors also could play a key role in increasing the prospects for democratic consolidation in Kenya, Malawi and Zambia. So far their involvement with these three countries has been a mixed blessing. While they undoubtedly played an important role in bringing about political liberalization in each of them either through imposing economic or political conditionalities or both, they have not shown much of a commitment to assist them to extend "democratic practices beyond periodic voting".³⁴³ In all three countries they were more concerned with political stability and economic reforms (i.e. SAPs) than with the establishment of inclusive and participatory political systems. As a matter of fact their insistence that Chiluba and Muluzi continue with the

³⁴² See Sandbrook 1996: pp. 70-81; Monga 1997: pp. 168-168; Reynolds 1999: pp. 272-275; Phiri 2000: p. 68; Baker 2000: pp. 19-21; May 2000: pp. 172-175; and Burnell 2001: p. 248.

³⁴³ Brown 2000: p. 452.

implementation of the rigid SAPs, their predecessors had started, on a take-it-or-leave-it basis undermined the democratic process in both countries. The external imposition of SAPs by the World Bank and the IMF provided the democratically elected parliaments and presidents of Malawi and Zambia with very little room for independent domestic decision-making with regard to macroeconomic policies. By doing so they constrained “the formal institutions of democratic rule that are a constituent part of democratization”.³⁴⁴ The implementation of donor-imposed SAPs exacerbated already existing social conflicts in Malawi and Zambia and made it next to impossible for Chiluba and Muluzi to adequately address the concerns of the majority of their voters. This led to an unprecedented wave of strikes in both countries in the years following the first multiparty elections. Furthermore, the experience of Kenya, Malawi and Zambia with SAPs makes it quite clear that they have failed to help these countries to make any headway with reducing poverty, which is absolutely crucial for democracy to take hold. If the bi- and multilateral donors of Kenya, Malawi, and Zambia are serious in assisting them as well as other African countries in establishing sustainable democracies, they have to find innovative ways to help them to carry out the necessary economic reforms without undermining the democratic process. This first and foremost requires that they provide more room for independent domestic decision-making with regard to macroeconomic policies. By doing so they would enable political parties to develop different policy platforms. Ultimately this could help to replace the current fragmented, unstable and ethnoregionally based party systems with less fragmented and more stable party systems that consist of political parties that favor different policies and try to win

³⁴⁴ Mkandawire 1999: p. 123.

the support of voters from different ethnic groups and regions. Finally, support for democracy in Sub-Saharan Africa requires that donors make long-term commitments and that they devise innovative programs. For instance, one such program could assist African countries in setting up a system of party financing based on how many votes they receive in the elections.³⁴⁵

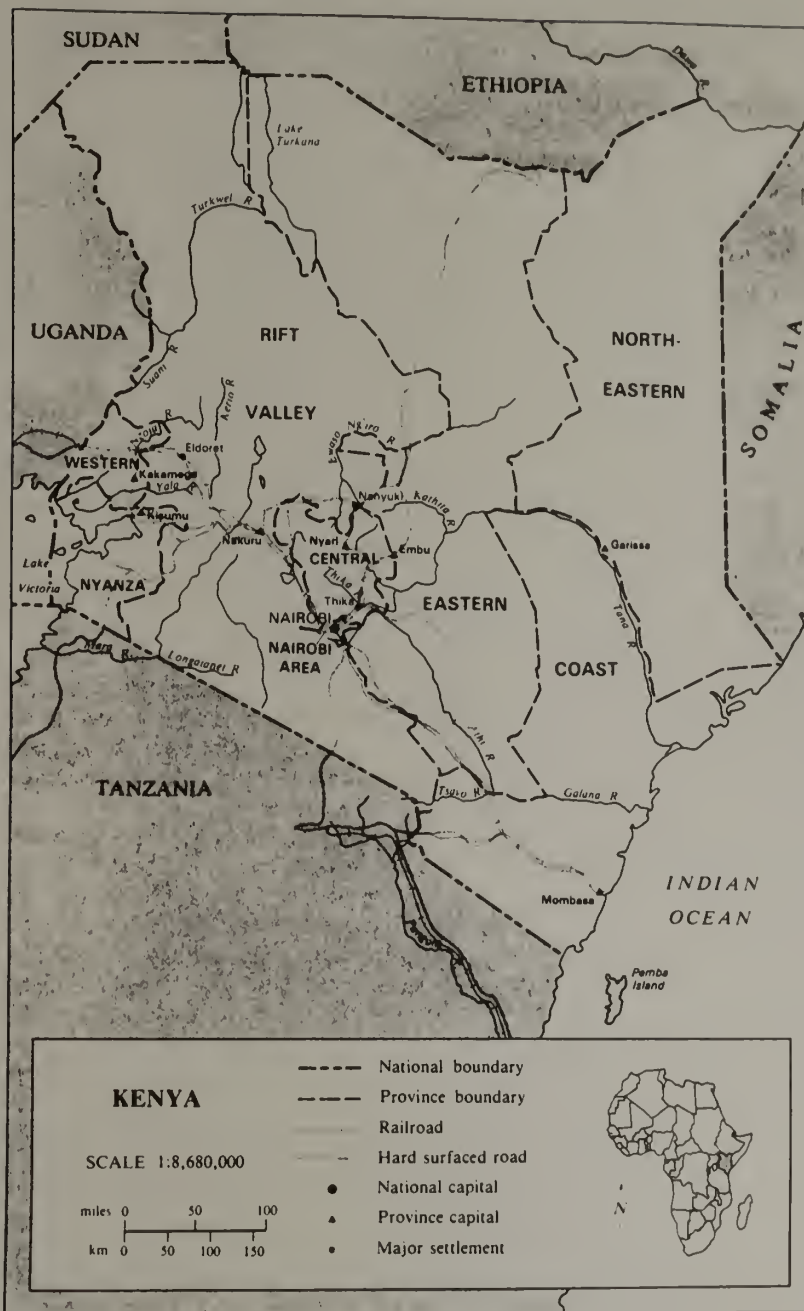
This thesis has shown that it is undoubtedly easier to replace single-party systems with multiparty systems than to establish consolidated democracies. Even so corruption, abuses of power and economic problems still exist in Kenya, Malawi and Zambia, all three countries are measurably more democratic at the beginning of the 21st century compared with the late 1980s. Also the population in all three countries displays a significant degree of popular support for democracy, which is evident in the willingness of many of their citizens to walk for many miles and to patiently wait for hours to cast their votes. Observers who are overly critical of what has been achieved after ten years of democratic experiments in Kenya, Malawi and Zambia after decades of authoritarian rule should keep in mind that democracy has taken decades to become firmly established in other parts of the world and even if it is firmly established serious irregularities can still occur as the 2000 presidential elections in the United States have shown quite clearly. There is no doubt that democracy will take root in many countries of Sub-Saharan Africa. However, it will take time and the continued support of the international community.³⁴⁶

³⁴⁵ See Chabal 1998: pp. 300-303; Mkandawire 1999: pp. 119-133; Brown 2000: pp. 423-485; and Murungi 2000: pp. 202-208.

³⁴⁶ See Bratton / Mattes 2001: p. 120; and van de Walle 2002: pp. 66-67.

APPENDIX A

MAP OF KENYA



CARTOGRAPHIC LABORATORY UNIVERSITY OF WISCONSIN MADISON

Source: Barkan 1987: p. 214

APPENDIX B

KENYAN PRESIDENTIAL ELECTIONS 1992: RESULTS BY PROVINCE AND CANDIDATE

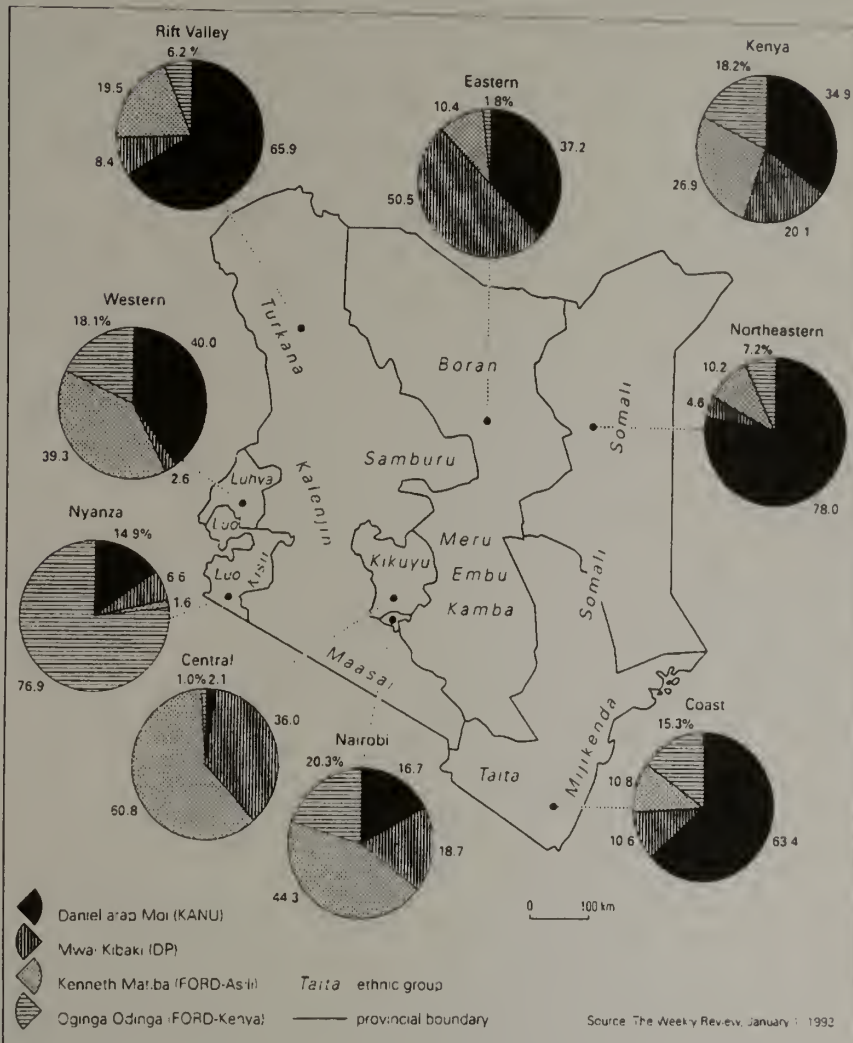
Province	Moi	Matiba	Kibaki	Odinga	Total Vote
Nairobi	62,402 (16.6%)	165,533 (44.1%)	69,715 (18.6%)	75,898 (20.2%)	375,574
Central	21,882 (2.1%)	621,368 (60.1%)	372,937 (36.1%)	10,765 (1.0%)	1,034,016
Eastern	290,494 (36.8%)	80,515 (10.2%)	398,727 (50.5%)	13,064 (1.7%)	789,232
North-East	57,400 (78.1%)	7,440 (10.1%)	3,297 (4.5%)	5,237 (7.1%)	73,460
Coast	200,596 (64.1%)	35,598 (11.4%)	23,766 (7.6%)	50,516 (16.1%)	312,993
Rift Valley	994,844 (67.8%)	274,011 (18.7%)	111,098 (7.6%)	83,945 (5.7%)	1,467,503
Western	217,375 (40.9%)	192,859 (36.3%)	19,115 (3.6%)	94,851 (17.9%)	531,159
Nyanza	111,873 (14.4%)	26,922 (3.3%)	51,962 (6.4%)	609,921 (74.7%)	816,387
Total	1,962,866	1,404,266	1,050,617	944,197	5,400,324

Source: Throup / Hornsby 1998: p. 435

APPENDIX C

KENYAN PRESIDENTIAL ELECTIONS 1992: PIE CHART ILLUSTRATION OF RESULTS BY PROVINCE

(% of votes for the four main candidates)



Source: Foeken / Dietz 2000: p. 128

APPENDIX D

KENYAN PARLIAMENTARY ELECTIONS 1992: DISTRIBUTION OF SEATS
BY PROVINCE

Province	KANU	FORD (K)	FORD (A)	DP	KNC	KSC	PICK	TOTAL
Nairobi	1	1	6					8
Central		1	14	10				25
Eastern	21	1		9	1			32
North-East	8	1					1	10
Coast	17	2		1				20
Rift Valley	36	2	4	2				44
Western	10	3	7					20
Nyanza	7	20		1		1		29
TOTAL	100	31	31	23	1	1	1	188

Source: Throup / Hornsby 1998: p. 443

APPENDIX E

KENYAN PRESIDENTIAL ELECTIONS 1997: RESULTS BY PROVINCE AND CANDIDATE

Table 2: The 1997 Kenya General Elections: Presidential Vote by Province

	Moi KANU	Kibaki DP	Raila NDPK	Kijana FORDK	Ngilu SDP
Nairobi	75,272 20.56%	160,124 44%	59,415 16.23%	24,971 6.82%	39,707 10.85%
Coast	229,084 61.05%	50,540 13.4%	22,794 6.07%	11,156 2.97%	37,600 10.02%
North Eastern	46,121 73.08%	11,741 18.60%	210 0.33%	4,418 7.00%	466 0.58%
Eastern	368,801 35.87%	296,262 28.81%	7,755 0.75%	7,009 0.68%	332,578 32.35%
Central	55,822 5.59%	885,382 88.73%	6,812 0.68%	3,067 0.31%	29,473 2.95%
Rift Valley	1,140,109 69%	343,529 20.90%	36,022 2.19%	102,178 6.22%	11,345 0.69%
Western	314,669 44.67%	9,755 1.38%	13,458 1.91%	338,120 48.00%	3,429 0.49%
Nyanza	215,923 23.53%	138,194 15.05%	519,259 56.55%	14,623 1.59%	15,309 1.57%
Total	2,445,801	1,895,527	665,725	505,542	469,807

Source: The Weekly Review, 9 January 1998.

Source: Ajulu 1998: p. 281

APPENDIX F

KENYAN PARLIAMENTARY ELECTIONS 1997: DISTRIBUTION OF SEATS BY PROVINCE

	KANU	DP	NDPK	F(K)	SDP
Nairobi	1	5	1	0	1
Coast	18	2	0	0	0
N/Eastern	9	0	0	0	0
Eastern	14	8	0	1	10
Central	0	17	1	0	5
Rift Valley	39	7	0	3	0
Western	15	0	0	9	0
Nyanza	8	0	19	4	0
Total	104	39	21	17	16

Source: compiled from Parliamentary Election Results, Electoral Commission of Kenya, 15 January 1998

Source: Ajulu 1998: p. 279

APPENDIX G

MAP OF MALAWI



Source: United Nations, Department of Public Information, Cartographic Section

Map No. 3858, November 1994

APPENDIX H

1993 REFERENDUM: RESULTS BY DISTRICT

(in %)

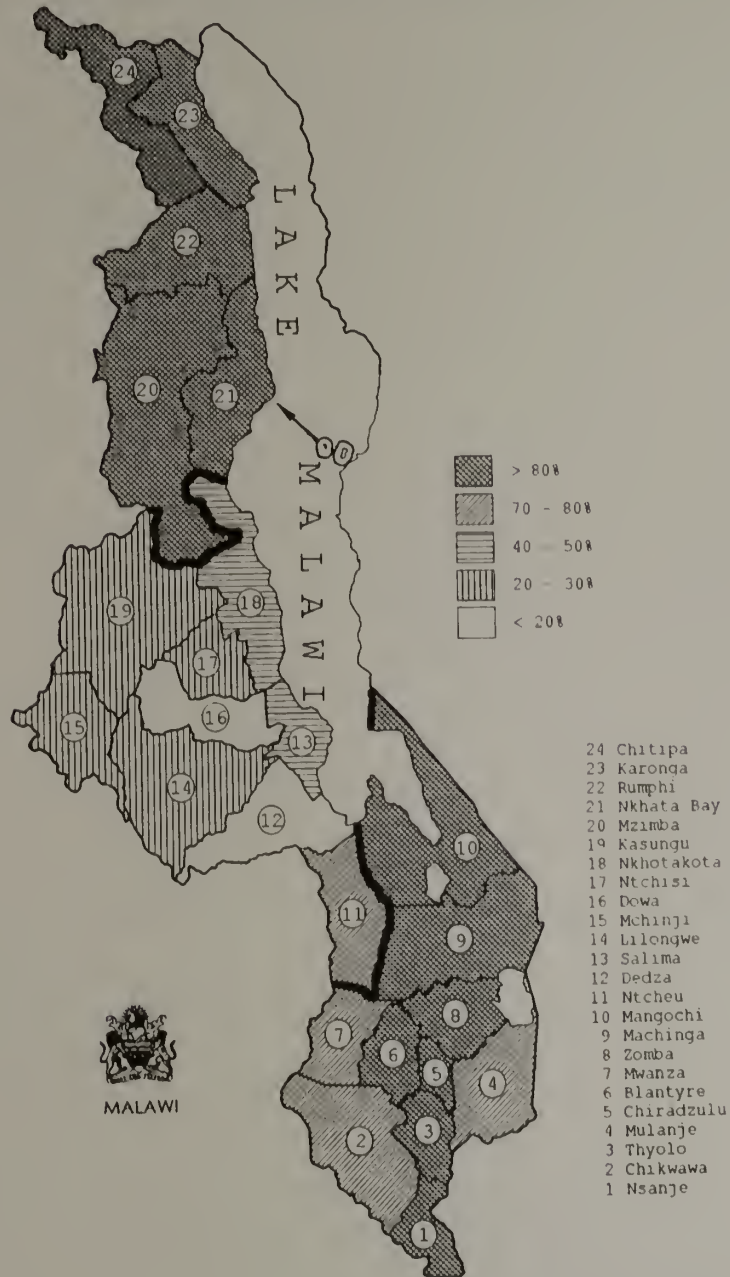
District	Votes cast	Invalid votes	Valid votes	Multi-party system	One-party system
North	70.6	1.0	99.0	89.3	10.7
Chitipa	70.3	0.7	99.3	91.2	8.8
Karonga	59.1	0.8	99.2	94.1	5.9
Rumphi	86.6	1.4	98.6	86.8	13.2
Nkhata Bay	46.5	1.4	98.6	92.6	7.4
Mzimba	83.3	1.0	99.0	87.2	12.8
Central	69.3	3.0	97.0	32.5	67.5
Kasungu	77.3	2.7	97.3	28.0	72.0
Nkhotakota	59.3	3.6	96.4	47.0	53.0
Ntchisi	81.1	1.7	98.3	21.9	78.1
Dowa	72.0	2.5	97.5	14.9	85.1
Mchinji	59.3	5.9	94.1	31.5	68.5
Lilongwe	65.1	3.3	96.7	28.2	71.8
Salima	83.2	2.4	97.6	45.1	54.9
Dedza	75.5	2.9	97.1	25.6	74.4
Ntcheu	70.8	1.1	98.9	74.7	25.3
South	64.4	2.0	98.0	85.2	14.8
Mangochi	57.2	1.8	98.2	90.9	9.1
Machinga	58.4	1.4	98.6	91.3	8.7
Zomba	65.6	0.9	99.1	86.7	13.3
Mulanje	55.2	4.4	95.6	79.3	20.7
Chiradzulu	83.7	4.2	95.8	89.2	10.8
Blantyre	85.0	0.9	99.1	86.7	13.3
Mwanza	55.5	1.8	98.2	71.5	28.5
Thyolo	82.4	1.6	98.4	81.3	18.7
Chikwawa	54.8	1.8	98.2	76.5	23.5
Nsanje	55.4	1.4	98.6	82.6	17.4
Total	67.1	2.3	97.7	64.7	35.3

Source: Meinhardt 1999a: p. 557

APPENDIX I

1993 REFERENDUM: GRAPHIC ILLUSTRATION OF RESULTS BY DISTRICT

(Vote for the Multiparty System in %)



Source: Meinhardt 1997: p. 195

APPENDIX J

MALAWIAN PRESIDENTIAL ELECTIONS 1994: RESULTS BY DISTRICT

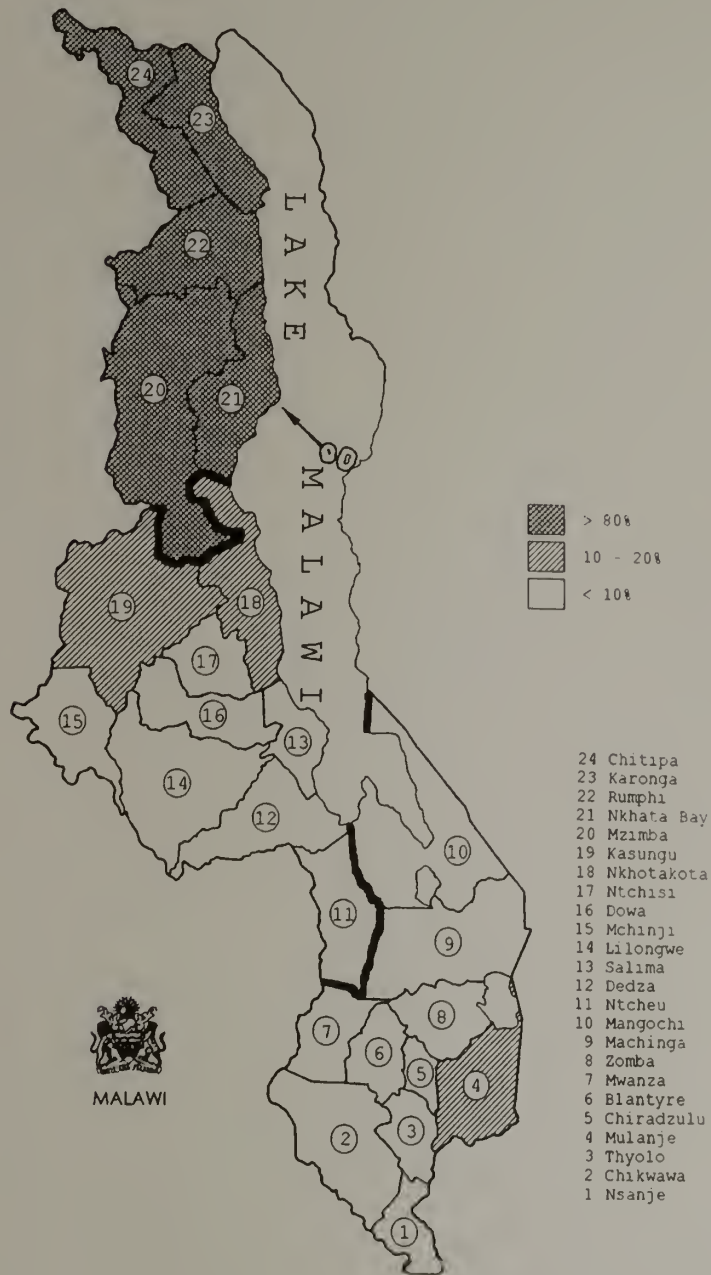
(in %)

District	Votes cast	Invalid votes	Valid votes	Muluzi	Banda	Chihana	Kalua
Chitipa	86.0	1.0	99.0	1.8	9.6	88.3	0.3
Karonga	84.6	2.1	97.9	2.9	5.2	91.6	0.4
Rumphi	86.7	1.1	98.9	4.7	5.6	89.4	0.4
Nkhata Bay	83.3	1.6	98.4	8.5	6.2	84.7	0.7
Mzimba	86.5	1.2	98.8	4.5	8.2	87.0	0.3
Kasungu	81.3	2.0	98.0	15.1	65.5	18.9	0.4
Nkhotakota	84.8	2.3	97.7	37.9	46.6	15.2	0.4
Ntchisi	80.0	3.4	96.6	30.9	65.2	3.5	0.5
Dowa	81.9	2.5	97.5	15.0	80.5	3.8	0.7
Salima	77.4	2.9	97.1	47.7	47.3	4.4	0.6
Mchinji	79.5	2.3	97.7	26.8	69.5	3.3	0.4
Lilongwe	85.6	2.1	97.9	20.2	71.7	7.8	0.3
Dedza	74.0	3.5	96.5	26.3	71.6	2.3	0.4
Ntcheu	76.6	2.5	97.5	72.0	23.8	3.7	0.6
Mangochi	81.1	1.9	98.1	88.7	7.5	3.3	0.5
Machinga	84.3	1.9	98.1	91.2	7.0	1.5	0.4
Zomba	82.5	1.8	98.2	84.1	11.2	4.1	0.6
Chiradzulu	70.0	1.9	98.1	89.1	9.0	1.5	0.4
Blantyre	82.7	1.5	98.5	78.4	13.2	7.9	0.6
Mwanza	79.8	3.2	96.8	69.1	25.1	4.6	1.2
Thyolo	77.3	2.6	97.4	71.4	19.9	7.7	0.5
Mulanje	66.4	3.4	96.6	66.7	20.8	11.8	0.6
Chikwawa	75.9	2.4	97.6	56.8	38.5	3.4	1.3
Nsanje	81.4	3.4	96.6	42.6	52.9	2.9	1.6
Total	80.5	2.0	98.0	47.2	33.5	18.9	0.5

Source: Meinhardt 1999a: p. 562

APPENDIX K

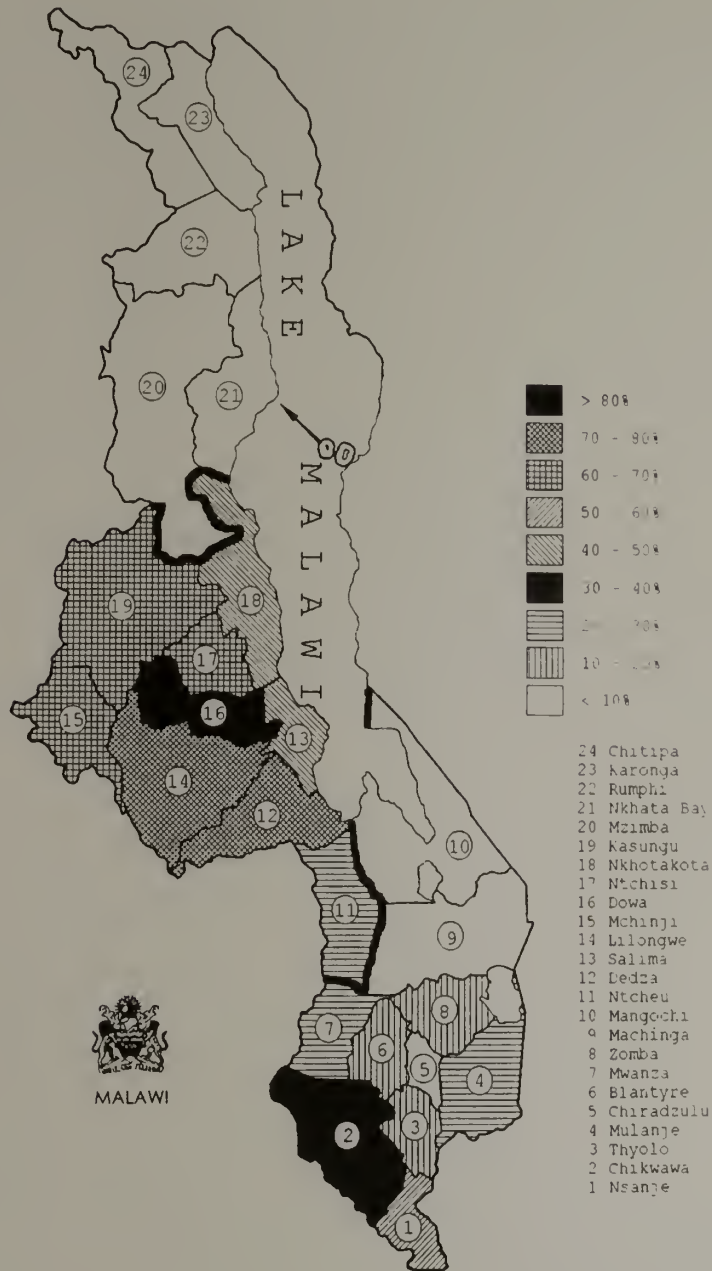
MALAWIAN PRESIDENTIAL ELECTIONS 1994: GRAPHIC ILLUSTRATION OF VOTES FOR THE AFORD CANDIDATE CHIHANA BY DISTRICT



Source: Meinhardt 1997: p. 281

APPENDIX L

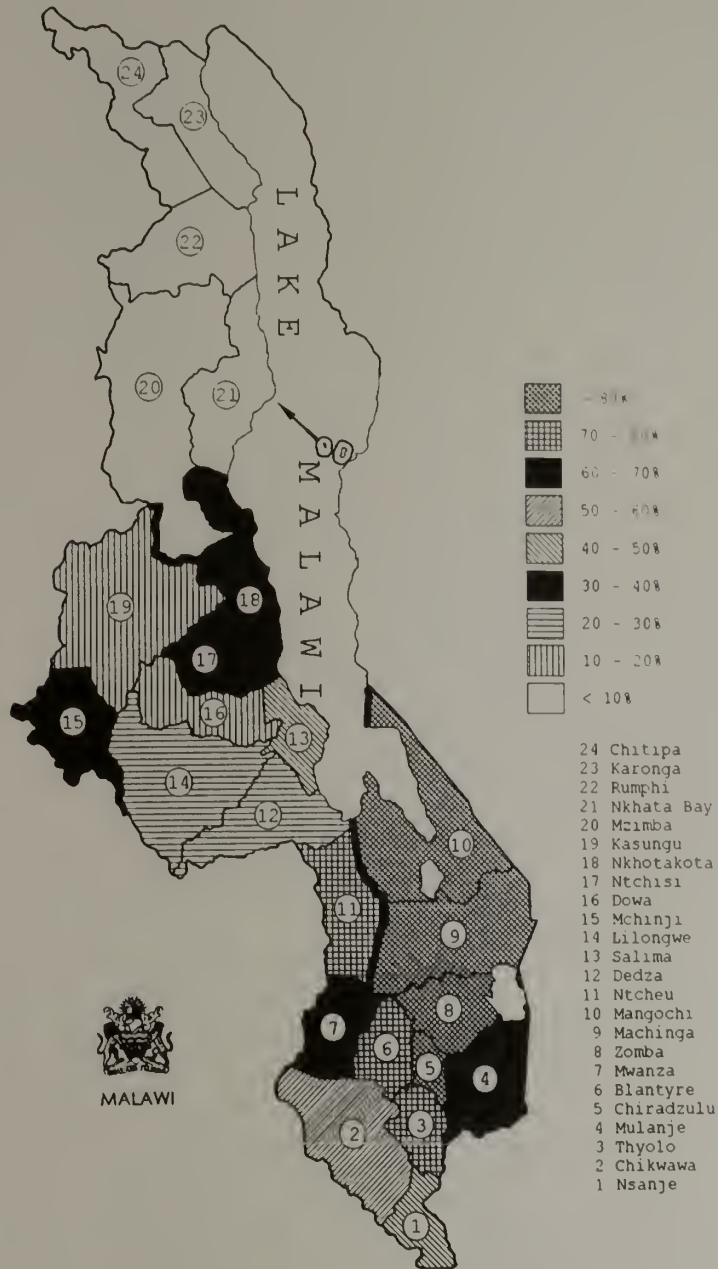
MALAWIAN PRESIDENTIAL ELECTIONS 1994: GRAPHIC ILLUSTRATION OF VOTES FOR THE MCP CANDIDATE BANDA BY DISTRICT



Source: Meinhardt 1997: 282

APPENDIX M

MALAWIAN PRESIDENTIAL ELECTIONS 1994: GRAPHIC ILLUSTRATION OF VOTES FOR THE UDF CANDIDATE MULUZI BY DISTRICT



Source: Meinhardt 1997: p. 283

APPENDIX N

MALAWIAN PARLIAMENTARY ELECTIONS 1994: RESULTS BY DISTRICT

(in %)

District	Votes cast	UDF	MCP	AFORD ^a
Chitipa	89.2	3.2	8.4	87.7
Karonga	85.7	2.2	7.6	87.4
Rumphu	86.8	5.0	4.9	89.1
Nkhata Bay	80.6	12.1	8.7	72.6
Mzimba	83.4	4.6	9.0	86.0
Kasungu	80.5	19.1	62.9	21.8
Nkhotakota	85.2	41.4	44.7	12.6
Ntchisi	80.2	33.2	62.6	4.3
Dowa	82.9	15.1	78.8	4.9
Salima	77.3	42.0	52.2	5.1
Mchinji	74.7	26.2	70.4	3.2
Lilongwe	82.8	19.7	74.0	6.1
Dedza	70.7	24.9	72.2	2.5
Ntcheu	77.3	69.0	24.9	4.3
Mangochi	78.2	85.3	8.3	6.0
Machinga	82.2	90.3	7.9	1.0
Zomba	80.4	81.1	10.0	5.9
Chiradzulu	84.4	86.4	9.9	3.0
Blantyre	73.5	75.0	15.8	7.6
Mwanza	79.6	68.7	24.8	3.9
Thyolo	75.4	68.2	21.0	9.4
Mulanje	78.6	62.4	20.6	15.8
Chikwawa	74.9	56.2	38.7	4.4
Nsanje	67.1	46.3	52.8	0.7
Total ^b	79.6	46.4	33.7	19.0

^a In the following districts AFORD presented a candidate only in some constituencies: Nkhotakota (two out of five constituencies), Lilongwe (16 out of 17), Dedza (seven out of eight), Machinga (three out of 10), Zomba (seven out of eight), Thyolo (seven out of eight), Nsanje (one out of five).

^b Differences to 100% are due to the share of small parties.

Source: Meinhardt 1999a: 559

APPENDIX O

MALAWIAN PARLIAMENTARY ELECTIONS 1994: SEATS PER PARTY BY
DISTRICT

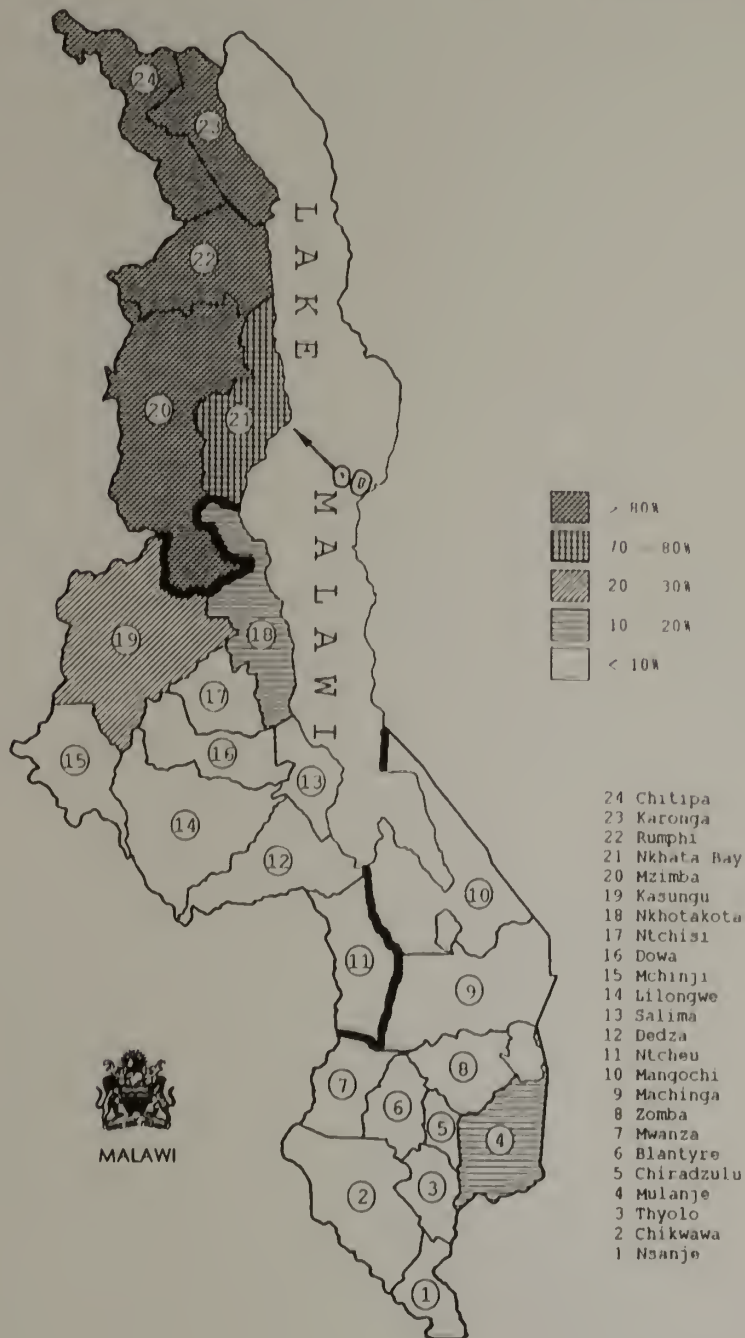
District	UDP	MCP	AFORD
Chitipa	0	0	5
Karonga	0	0	5
Rumphi	0	0	4
Nkhata Bay	0	0	7
Mzimba	0	0	12
Kasungu	0	7	2
Nkhotakota	2	2	1
Ntchisi	0	4	0
Dowa	0	7	0
Salima	2	3	0
Mchinji	0	6	0
Lilongwe	3	14	0
Dedza	1	7	0
Ntcheu	6	1	0
Mangochi	10	0	0
Machinga	10	0	0
Zomba	8	0	0
Chiradzulu	5	0	0
Blantyre	10	0	0
Mwanza	4	0	0
Thyolo	7	0	0
Mulanje	11	0	0
Chikwawa	5	1	0
Nsanje	1	4	0
Total	85	56	36

Source: Meinhardt 1999a: 561

APPENDIX P

MALAWIAN PARLIAMENTARY ELECTIONS 1994: GRAPHIC

ILLUSTRATION OF VOTES FOR AFORD BY DISTRICT

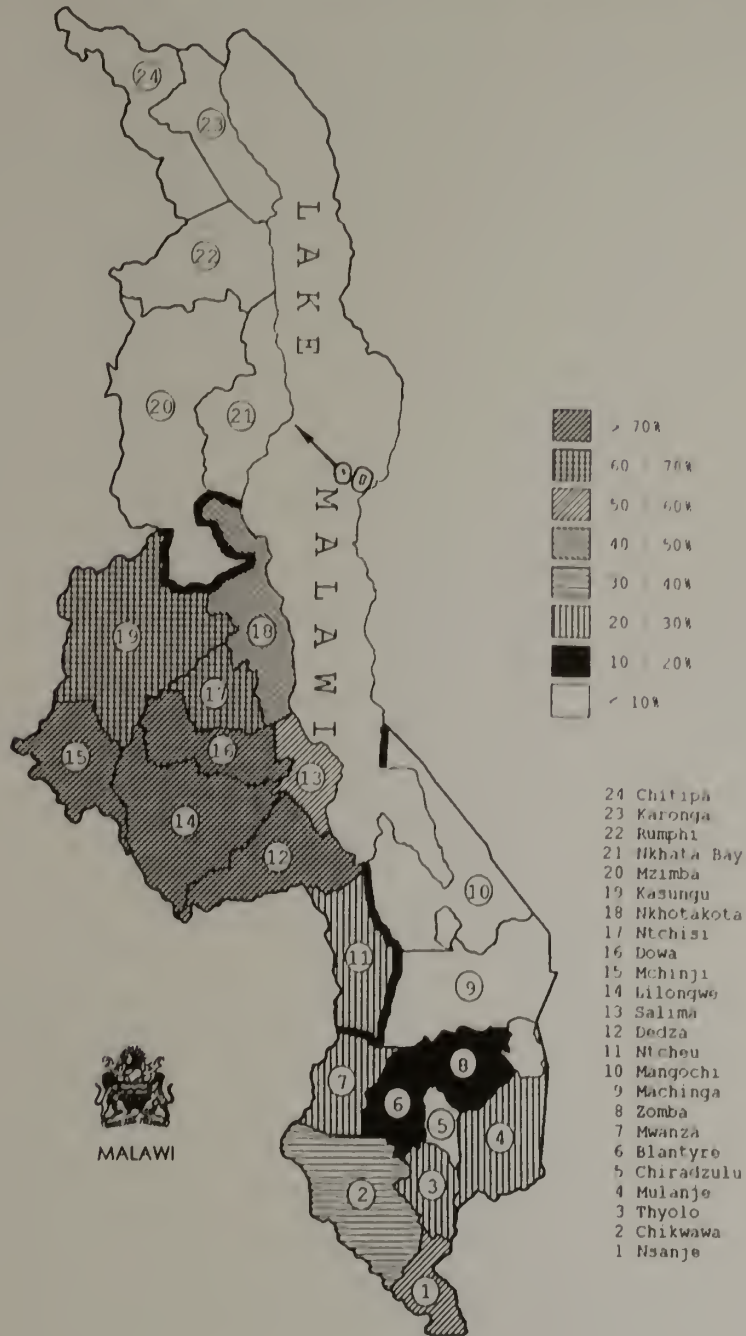


Meinhardt 1997: p. 289

APPENDIX Q

MALAWIAN PARLIAMENTARY ELECTIONS 1994: GRAPHIC

ILLUSTRATION OF VOTES FOR MCP BY DISTRICT

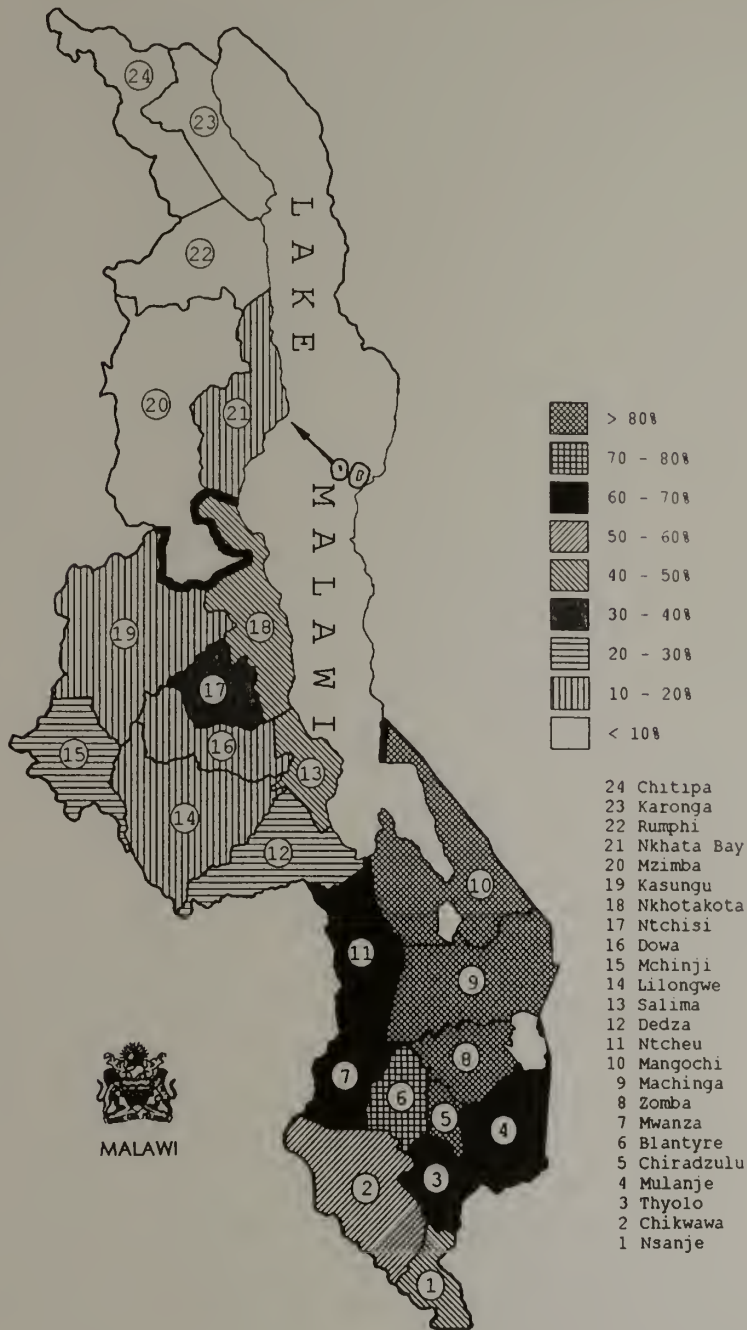


Source: Meinhardt 1997: p. 291

APPENDIX R

MALAWIAN PARLIAMENTARY ELECTIONS 1994: GRAPHIC

ILLUSTRATION OF VOTES FOR UDF BY DISTRICT



Source: Meinhardt 1997: p. 290

APPENDIX S

MALAWIAN PRESIDENTIAL ELECTIONS 1999: RESULTS BY REGION

(in %)

Region	Muluzi UDF	Chakuamba MCP/AFORD	Others (3)
North	9%	88%	2%
Centre	35%	61%	2%
South	77%	18%	3%
TOTAL	51%	44%	2%

Source: Brown 2000: p. 327

APPENDIX T

MALAWIAN PARLIAMENTARY ELECTIONS 1999: RESULTS BY REGION

(seats and %)

<i>Region</i>	UDF	MCP	AFORD	Independ- dent	TOTAL
North	1 (3%)	4 (12%)	28 (85%)	0 (0%)	33 (100%)
Centre	16 (22%)	54 (75%)	1 (1%)	1 (1%)	72 (100%)
South	76 (87%)	8 (9%)	0 (0%)	3 (3%)	87 (100%)
TOTAL	93 (48%)	66 (34%)	29 (15%)	4 (2%)	192 (100%)

Source: Brown 2000: p. 329

APPENDIX V

ZAMBIAN PRESIDENTIAL ELECTIONS 1991: RESULTS BY PROVINCE

(in %)

1991 ^a	Kaunda (UNIP)	Chiluba (MMD)	Valid votes	Invalid votes	Votes cast
Central	25.6	74.4	96.9	3.1	37.9
Copperbelt	9.4	90.6	97.5	2.5	50.8
Eastern	74.1	25.9	95.2	4.8	49.4
Luapula	10.9	89.1	97.3	2.7	47.1
Lusaka	23.4	76.6	97.3	2.7	43.9
Northern	14.9	85.1	96.3	3.7	44.4
N. Western	29.8	70.2	97.4	2.6	42.7
Southern	14.8	85.2	97.0	3.0	43.6
Western	18.6	81.4	96.8	3.2	41.3
Total	24.2	75.8	96.9	3.1	45.4

^a The percentages given refer to: votes per candidate in % of valid votes; valid votes and invalid votes in % of total votes cast; votes cast in % of registered voters.

Source: Krennerich 1999: p. 958

APPENDIX W

ZAMBIAN PARLIAMENTARY ELECTIONS 1991: RESULTS BY PROVINCE

(in %)

1991 (percentages)							
	MMD	UNIP	NADA	NPD	DP	Indep.	Total ^a
Central	72.8	26.9	–	0.2	–	–	100
Copperbelt	89.1	10.4	0.2	0.1	0.0	0.2	100
Eastern	24.5	73.5	–	–	–	2.0	100
Luapula	87.5	12.5	–	–	–	–	100
Lusaka	75.7	22.6	0.7	0.2	–	0.7	100
Northern	83.6	15.8	–	–	–	0.5	100
N.-Western	66.4	29.7	–	–	–	3.9	100
Southern	83.4	15.7	–	0.0	–	0.8	100
Western	79.9	19.2	–	–	–	0.9	100
Total	74.3	24.7	0.1	0.1	0.0	0.8	100

^a Due to rounding the added total of the percentages is not always 100.

Source: Krennerich 1999: p. 951

APPENDIX X

ZAMBIAN PRESIDENTIAL ELECTIONS 1996: RESULTS BY PROVINCE

(in %)

1996	Chiluba (MMD)	Mung'omba (ZDC)	Mulemba (NP)	Mbikusita (AZ)	Chakom- boka (MDP)	Valid Votes ^a
Central	73.2	14.3	5.2	2.2	5.3	100
Copperbelt	86.3	7.7	3.3	1.0	1.7	100
Eastern	64.0	19.6	6.9	3.5	6.1	100
Luapula	85.4	6.0	1.7	4.9	2.0	100
Lusaka	74.4	17.1	3.7	2.8	2.0	100
Northern	80.5	11.9	2.5	1.2	3.9	100
N. Western	52.2	6.3	37.7	1.5	2.3	100
Southern	67.1	18.3	5.2	4.7	4.7	100
Western	43.1	15.4	8.1	29.5	3.9	100
Total	72.6	12.7	6.7	4.7	3.3	100

^a Due to rounding the added total of the percentages is not always 100.

Source: Krennerich 1999: p. 958

APPENDIX Y

ZAMBIAN PARLIAMENTARY ELECTIONS 1996: RESULTS BY PROVINCE

(in %)

1996 (percentages)							
	MMD	ZDC	NP	NLP	Others	Indep.	Total ^a
Central	49.8	9.7	4.0	12.4	0.2	23.9	100
Copperbelt	70.5	9.3	5.3	7.3	0.2	7.4	100
Eastern	61.9	24.3	6.4	4.0	1.0	2.3	100
Luapula	70.2	10.6	2.4	6.3	0.1	10.4	100
Lusaka	64.3	15.6	4.4	5.4	0.4	10.0	100
Northern	63.0	12.9	3.6	2.8	–	17.7	100
N.-Western	44.4	7.7	35.8	3.8	–	8.3	100
Southern	57.0	19.5	3.6	12.5	2.6	4.8	100
Western	49.8	16.3	10.0	0.5	15.0	8.3	100
Total	61.0	13.8	7.1	6.4	1.8	9.8	100

^a Due to rounding the added total of the percentages is not always 100.

Source: Krennerich 1999: p. 952

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